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5 SELECT COMMITTEE TO INVESTIGATE THE
6 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
7 U.S. HOUSE OF REPRESENTATIVES,
8 WASHINGTON, D.C.

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12 INTERVIEW OF: GENERAL WILLIAM WALKER

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16 Monday, December 13, 2021

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18 Washington, D.C.

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21 The interview in the above matter was held in Room 4480, O'Neill House Office
22 Building, commencing at 1:59 p.m.

1 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] RESEARCHER

11 [REDACTED], CHIEF CLERK

12 [REDACTED] PROFESSIONAL STAFF MEMBER

13 [REDACTED] INVESTIGATIVE COUNSEL

14 [REDACTED] INVESTIGATIVE COUNSEL

15 [REDACTED] INVESTIGATOR

16 [REDACTED] INVESTIGATOR

1

2 [REDACTED] So I just want to take care of some housekeeping stuff in the
3 beginning, and then we'll go ahead and get started, sir.

4

5 This is a transcribed interview of William J. Walker conducted by the House Select
6 Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to
7 House Resolution 503.

7

8 [REDACTED] Mr. Walker, could you please state your full name for the record?

8

9 General Walker. William Joseph Walker.

10 [REDACTED] Thank you, sir. In the room today are myself, and I will have them
11 introduce themselves starting to my right.

11

12 [REDACTED] Good afternoon. My name is [REDACTED] I'm an
13 investigative counsel with the select committee.

13

14 [REDACTED] [REDACTED] I'm a researcher on the select committee.

14

15 [REDACTED] [REDACTED] investigative counsel with the select committee.

15

16 [REDACTED] I'm [REDACTED] senior investigative counsel for the
17 committee.

17

18 [REDACTED] General Walker, I'm [REDACTED] I'm the chief investigative
19 counsel. Thanks very much for being here.

19

20 General Walker. Sure.

20

21 [REDACTED] As well as the court reporter, sir.

21

22 General Walker. Certainly.

22

23 Hi.

23

24 [REDACTED] Before I -- I'm sorry. I forgot to mention that I'll be leading the
25 interview today, sir.

25

General Walker. Okay.

1 [REDACTED] Before we begin, I'd like to describe a few ground rules.

2 General Walker. Should I introduce Colonel [REDACTED]?

3 [REDACTED] Yes, sir. I'm sorry.

4 Colonel [REDACTED] So I'm not his counsel, so -- this is my thing. I was his
5 lawyer, and I was present. I probably have a better memory than the General does. I
6 really have a good memory. And so he asked me to join. I mean, I'm not sure if you
7 want -- what you want me to do or -- I mean, because I am a witness to some of this stuff
8 also, so just tell me how you want to handle that. My name is [REDACTED]

9 General Walker. Yeah. You already said he could be here, so --

10 [REDACTED] Yeah. I just want to flag that we wanted to also talk to
11 Colonel [REDACTED] since he is a witness to the event. So I wouldn't want his testimony
12 that we intend to seek to get, you know, influenced by what you state here today.

13 Colonel [REDACTED]. Okay.

14 [REDACTED] So I just wanted to see -- we should probably talk that through.

15 [REDACTED] Yeah.

16 [REDACTED] Earl, did we -- did you and I have a text exchange last week?

17 Colonel [REDACTED] We did text last week.

18 [REDACTED] We did. Great. So I thought that -- I do think it probably makes
19 sense for you to not be present when General Walker testifies just because you have your
20 own independent recollection, which we definitely want to get.

21 Colonel [REDACTED] Okay.

22 [REDACTED] So you're welcome to stand by outside and be available, but if
23 you're both witnesses in the same investigation, our preference would be --

24 Colonel [REDACTED] I understand.

25 [REDACTED] -- for you not to be present.

1 Colonel [REDACTED] Okay.

2 [REDACTED] Okay. So, again, you're welcome to -- we can put you in a holding
3 room. You can stay in the event General Walker wants to talk to you about something,
4 but we probably should preserve the integrity of each witness testifying separately.

5 Colonel [REDACTED] Okay. Sure.

6 What do you want to do, General? Do you want me to stand by or --

7 General Walker. It's up to you. If you've got other stuff, some place you can
8 make a -- you know, make phone calls.

9 [REDACTED] Yeah. There's a conference room.

10 [REDACTED] do we have a holding -- we do.

11 [REDACTED] I think we have a holding. I want to just make sure -- I think it's
12 5200, but I'll double check.

13 Colonel [REDACTED] Why don't you let me know?

14 General Walker. Yeah.

15 Colonel [REDACTED] I'll stand by.

16 [REDACTED] Thank you for referencing that. I didn't put together that you also
17 had some involvement in this, so I thank you for doing that.

18 I don't know how long you expect it to be, [REDACTED]

19 [REDACTED] So we're scheduled for 3 hours, sir. I'm not entirely sure we'll take
20 3 hours, but just in terms of planning, the worst case scenario would be until 5 o'clock.

21 Colonel [REDACTED] I can make myself available until then. Do you -- I mean, do
22 you think you're going to need me for anything?

23 General Walker. I don't know. I mean, you do have a -- he's gifted. I mean,
24 extraordinary recollection.

25 [REDACTED] We appreciate that.

1 Colonel [REDACTED] I have contemporaneous notes and contemporaneous
2 emails too, so that's very helpful.

3 [REDACTED] Watch the guide wire.

4 Colonel [REDACTED] I'm not going to kill myself.

5 [REDACTED] Well, [REDACTED] has got a room for you, so we'll keep you close by.

6 [REDACTED] I'll walk you out.

7 Colonel [REDACTED] Do you want me to stay, General?

8 General Walker. Yeah.

9 Colonel [REDACTED] I'll stay.

10 General Walker. Yeah.

11 [REDACTED] And, General Walker, at any time, if you want to stop and talk to
12 Colonel [REDACTED] that's fine.

13 General Walker. Yeah.

14 [REDACTED] I guess I should say, at any point, if you want to break for any
15 reason, for that or a bio break, comfort break --

16 General Walker. Yeah.

17 [REDACTED] -- just let me know.

18 General Walker. Well, as I explained, when we were on the teams that he was
19 with me the whole time. The whole day he was with me as were -- there was a group of
20 people that were with me, but I trust his recollection better than mine.

21 [REDACTED] Okay. Good to know.

22 General Walker. He is 20 years younger than me.

23 [REDACTED] We're going to do this with him as well.

24 General Walker. Okay. All right.

25 [REDACTED] I appreciate that. Should we wait for [REDACTED]

1 [REDACTED] Yeah. Just give it a moment.

2 [REDACTED] Off the record.

3 [Recess.]

4 [REDACTED] We're back on the record.

5 Prior to the brief pause, we were going around the room to identify ourselves. If
6 we could identify who's on the line on the team's Webex call for purposes of the court
7 reporter, that would be great.

8 [REDACTED]: [REDACTED] investigator with the select committee.

9 [REDACTED] [REDACTED] investigator with select committee.

10 [REDACTED] And I believe we also have [REDACTED], who is with the select
11 committee. There's an official reporter transcribing the record of this deposition.

12 Please wait until each question is completed before you begin your response, and we will
13 try and wait until your response is complete before we ask our next question. The
14 stenographer cannot record nonverbal responses such as shaking your head, so it is
15 important that you answer each question with an audible verbal response.

16 We ask that you provide complete answers based on your best recollection. If
17 the question is not clear, please ask for clarification. If you do not know the answer,
18 please simply say so. I also want to remind you that it is unlawful to deliberately
19 provide false information to Congress. You will have the opportunity to review the
20 transcript once we're all said and done, sir.

21 Any questions about any of that?

22 General Walker. No.

23 [REDACTED] Thank you, sir.

24 And, before we begin the questioning in earnest, I'll just wait for my colleague to
25 return. Thank you, sir.

1 [Recess.]

2 [REDACTED] As I said, I should have noted earlier that, during our time together,
3 some members of the committee may join us via the Webex. If they do, we'll pause and
4 identify them and see if they have any questions for you, sir.

5 General Walker. Okay.

6 [REDACTED] Thank you for your patience, sir.

7 EXAMINATION

8 BY [REDACTED]

9 Q So what I'd like for to do is for this to be conversational. My goal is just to
10 sort of get a better understanding of what happened. And, to be mindful of everyone's
11 time, I'd like to give you a roadmap of where I'd like to go.

12 So the questions are going to sort of fall into four buckets. The first bucket is,
13 what is the National Guard Bureau? How does it work? What is the organization like?
14 Who's in the chain of command? Because I'm an Air Force JAG, but I do Active Duty and
15 Reserve, so my knowledge of the National Guard Bureau is kind of iffy. So I just want to
16 understand how that system works.

17 The second bucket is, how does -- how it works organizationally. The second
18 bucket will be, putting aside January 6th, how typically is the D.C. National Guard
19 activated? So what are the steps that have to take place and the permissions that need
20 to be sought and the triggers that need to be tripped in order for the D.C. National Guard
21 to mobilize.

22 The third bucket will be overlaying that process on top of the summer of January
23 2020 and then doing the same thing for January 6th.

24 So, with that sort of as the backdrop, any questions about that before we get
25 started, sir?

1 A No questions.

2 Q All right. So I guess let's start with the D.C. National Guard Bureau itself
3 organizationally. Can you --

4 A The D.C. National Guard Bureau or the National Guard Bureau?

5 Q So I want to -- well, actually let's do both. Let's start with the National
6 Guard Bureau and then the specific reference to the D.C. National Guard Bureau.

7 A So there is no D.C. National Guard Bureau.

8 Q I'm sorry. D.C. National Guard.

9 A D.C. National Guard.

10 Q I apologize. Yes.

11 A Okay.

12 Q So let's start with the National Guard Bureau, sir.

13 A So the National Guard Bureau is a resourcing organization. There is no
14 command and control. There's no command authority. There is a four-star chief of
15 the National Guard, but he cannot command any of the National Guard.

16 Q Okay.

17 A So I'm kind of blending. There are 54 National Guards in the United States;
18 53 work for Governors. The Governor is the commander-in-chief for the 53 National
19 Guards of the States and territories. The District of Columbia National Guard is the only
20 National Guard with a commanding general in charge. It's been that way since 1802
21 when Congress created the District of Columbia National Guard at the request of
22 President Thomas Jefferson.

23 There is a one-star adjutant general in charge of the District of Columbia National
24 Guard. That adjutant general is a two star in the 53 National Guards in the States and
25 territories. The District is not a State. It's the President -- President Thomas Jefferson

1 created the District of Columbia National Guard, and since 1802, it's been a Presidential
2 appointment, and it continues to be that way today.

3 So their -- the authority that the States and territories have come from their
4 commander-in-chief, the Governor, who appoints the adjutant general in charge. And in
5 some States, the Governor appoints all of the generals, the two stars, the one stars. But
6 most of the time -- and I've served in a lot of different National Guards; Illinois, Florida,
7 New Jersey. I used to drill with the Reserves, the U.S. Army Reserves. I drilled -- as I
8 moved around nationally and internationally with the Drug Enforcement Administration, I
9 found a unit to drill with, so I could hopefully retire one day from the military.

10 So it's kind of complex in the District of Columbia. So President Nixon delegated
11 day-to-day authority over the District of Columbia National Guard by executive
12 order -- you can find it -- to the Secretary of Defense. Subsequently, the Secretary of
13 Defense, by memorandum, delegated the day-to-day control over the District of
14 Columbia National Guard to the Secretary of the Army. So, if you find the Secretary of
15 the Army's organizational chart, you'll see off to the right as you face the chart the
16 commanding general, two star; adjutant general, one star; District of Columbia National
17 Guard, direct report even for the Air Force. So, when the Air Force matters, I would
18 bring them to the Secretary of the Army, who consults with the Secretary of the Air Force,
19 but that day-to-day authority is the Secretary of the Army.

20 Q I appreciate that, sir. That's very helpful.

21 What is the role of the chief of the National Guard Bureau? What purpose did
22 that -- does that position fill?

23 A Resourcing, funding. But he has no control, but he's a resource element.
24 So the way I understand it, the Army sends a pot of money to the National Guard, and I
25 believe it's to the director of the Army National Guard, a three star. And that three star

1 allocates the funds throughout the enterprise to include the District of Columbia National
2 Guard. But nobody works for the National Guard Bureau.

3 Q I understand.

4 A No -- nobody in the 54 National Guards.

5 Q Including the D.C. National Guard?

6 A Including.

7 Q Because there's the 53 -- I'm just making sure I'm understanding this thing.
8 There's the 53 --

9 A That work for Governors.

10 Q Work for Governors. And there's the D.C., which is separate.

11 A To maybe make it even more clear, so when you're in -- and all States don't
12 do this -- but in the New Jersey Guard, when I was a member, I received a commission
13 from the Army. It's called a DA 1, and every officer in the Army has it, the President of
14 the United States recognizing the patriotism, valor, fidelity, abilities. It goes on and on
15 and on. You're hereby appointed second -- I have eight of them from second lieutenant
16 all the way to major general. It goes all the way to lieutenant general and general. So I
17 had that when I was promoted. I received a commission from the Governor of New
18 Jersey.

19 So you really have -- every -- there's one Army, and the President or the Army can
20 mobilize the National Guard. And, at that point, you become title X, and you work for
21 the Army or the Air Force. You don't work for the National Guard Bureau. So you
22 come under a Governor day-to-day, and when the Nation needs you in a title X
23 capacity -- Afghanistan, Iraq, Horn of Africa, you name it -- then you come under title x,
24 and you're deployed wherever the Army needs you to go.

25 Q And, when the Army is operating under the control of the Governor, they're

1 in a title 32 status?

2 A They're in a -- it depends. Most of the time, they're under State orders.

3 Q Okay.

4 A Hurricane Andrew, 1992. I'm in the Florida National Guard. I'm mobilized
5 by the Governor. I'm in -- I'm being paid by the State of Florida. So it's various,
6 radically different.

7 Q And, with respect to the D.C. National Guard in particular --

8 A Always Federal.

9 Q So they're always in title 10?

10 A No. You're always in title 32.

11 Q They're always in title -- excuse me. They're always in title 10.

12 A You can be in title 10. So to go overseas, you have to be on title 10. The
13 D.C. National Guard has two State partners, Jamaica and Burkina Faso in West Africa.
14 So, whenever we would go on those trips, we would be in title 10. To leave the
15 continental United States, you should be on -- you must be on title 10 orders.

16 Q I see. So would a fair distinction -- so both it sounds like title 32 and title 10
17 are a Federal status?

18 A It's a Federal paying mechanism, yes. A status.

19 Q And it sounds like --

20 A Title 10 is court martial authority. Title 32 is not.

21 Q And title -- it sounds like title 10 is also OCONUS, but title 32 is CONUS?

22 A Most of the time.

23 Q Most of the time?

24 A So the border. The border. Those soldiers, I believe, are on title 10.

25 Q Okay. And, going back to the chief of the National Guard Bureau for a

1 second, does that person -- understanding that they manage the resources that are
2 allocated to them for the benefit of all of the National Guards, do they play any role
3 operationally if any one of the Guards is called into action in either a title 32 or a title 10
4 status or even under the auspices of the Governor of a particular State?

5 A Yeah. So they facilitate the movement of troops if you need aircraft, buses.
6 So lodging, food, medicine. So they're a resource.

7 Q Okay. And, in a circumstance where they're providing that function, are
8 they normally in communication with the adjutant general or the commanding general
9 of -- who is in charge of the operation itself? In other words, are they -- is there
10 communication between those two about sort of what's going on? And, if the chief of
11 the National Guard Bureau is providing resources and buses and that sort of thing, I guess
12 I'm wondering sort of what is his or her interface into the actual operation itself so they
13 know what to provide?

14 A Well, I kept him informed. So, as commanding general, I reported directly
15 to the Secretary of the Army. I received my evaluations from him. He was my rater.
16 When you become a two star, there's no more evaluation, but he still could influence me.
17 He could fire me. So I -- but I -- so I would report to him. SIT REPs, as we call them.
18 You're familiar them, situational reports. I kept him up to date, and then I would take
19 that same SIT REP normally and then send it to the chief of the National Guard Bureau --

20 Q Okay.

21 A -- just to keep him up to date.

22 Q Thank you, sir.

23 Anybody have any questions about organizational structure before we move on?

24 A So you look at Oklahoma. The Governor said they're not taking
25 the -- whatever that -- the COVID shot. So the Secretary of Defense says they're not

1 going to get paid. But there was nobody that can make them do it.

2 Q Uh-huh.

3 A That two star couldn't make them do it. They all work for the Governor.

4 The chief of the National Guard Bureau couldn't do it. Nobody could do it. So just to

5 give -- hopefully that illuminates --

6 Q It does, sir.

7 A -- the relationship.

8 Q No. It's very helpful.

9 A They work for Governors. I work for the Secretary of the Army.

10 Q I appreciate that.

11 A I worked for the Secretary of the Army.

12 Q Let's move on to the second bucket.

13 A Uh-huh.

14 Q And starting sort of from cradle to grave --

15 A Uh-huh.

16 Q -- with specific reference to the D.C. National Guard --

17 A Right.

18 Q -- what -- walk me through how you all are called into action. What needs
19 to happen? Sort of what are the steps that need to be triggered? Just -- I'm just trying
20 to get an understanding from a -- sort of in a vacuum how the process works.

21 A Yeah. So we're always in support. The District of Columbia National
22 Guard is always in support of civil authorities, usually an elected official. So I'll just pull
23 some examples --

24 Q Sure.

25 A -- that come to me. So, around here, a big snowfall -- I'm from Chicago, but

1 around here, a couple inches of snow is a big deal. So the Department of Homeland
2 Security Emergency Management would contact me and say, "Look, can you bring the
3 trucks out or, you know, bring our vehicles out to help," and he'll put it in writing. I'll
4 send it to my operations officers. They'll conduct mission analysis, and we'll make a
5 determination if we can do it or not. Is it feasible? Is it -- does it -- is it conducive to
6 training? Is it something we need to practice? Does it promote good will? There's a
7 whole lot of things that go into it.

8 They brief me on it: This is how many people it's going to take. This is how
9 long we can do it.

10 Then I'll package that up. I'll get the lawyers involved. We'll -- they'll prepare a
11 briefing on, is it legally sufficient? I'll put that all in a memorandum to the Secretary of
12 the Army, and if I agree to do it, then I would write in there: Mr. Secretary, I
13 recommend that we honor the request, and this is why: It's good training. It's in the
14 budget. We planned for it. We can execute the mission. And this is who -- this is
15 how many people it's -- how many forces it's going to take.

16 Then the Secretary of the Army takes it -- there's a process. He takes it, and then
17 he runs it up, and then he consults with the Attorney General or the Deputy Attorney
18 General, and then he concurs with -- he just concurs blanket, or he concurs with
19 constraints or restraints, and then we execute the mission.

20 Q So if we could back up a couple of steps. So it sounds like in order for -- to
21 use the euphemism -- not euphemism, use the quote, saying, get the ball rolling, there
22 has to be some kind of request --

23 A Yes.

24 Q -- from someone?

25 A Yes.

1 Q And, in the example you provided, that request came from the Department
2 of Homeland Security?

3 A It can come from the -- it normally comes from Dr. Chris Rodriguez and his
4 predecessor. I can't think of his name right now, but they are -- they make the request
5 on behalf of the city.

6 Q Okay.

7 A Now, but I have had requests from the mayor.

8 Q Okay.

9 A So she can pick up the phone and call me and say: Hey, General Walker, I
10 need ABC. Can you do it?

11 Or she'll put it in writing.

12 Q Okay.

13 A And then we'll act on it. The time -- the whole time I was there, I don't
14 recall denying -- well, there was one snow thing that was -- you know, I would call Air
15 Force -- they call it weather flight, and they convinced me that it wasn't going to be
16 enough snow. Then I would -- Brian Baker was the gentleman before Dr. Chris
17 Rodriguez. And I'd say: You know, it's not going to snow, you know. It's not going to
18 be enough. I'm not going to bring these people from their civilian jobs, put them on
19 orders, and have them come out for nothing.

20 Q Right. So, earlier in your example when you mentioned the Department of
21 Homeland Security, that was the D.C. Department of Homeland Security?

22 A HSEMA.

23 Q Okay.

24 A District of Columbia Homeland Security Emergency Management Agency.

25 Q Okay.

1 A HSEMA.

2 Q So they put a request in writing to you saying: This is what we -- this is
3 what's happening. This is what we think we need.

4 And then your team does a mission analysis. Is that it?

5 A Uh-huh.

6 Q Explain to me what's a -- what happens in the mission analysis?

7 A So they take the mission apart: Who is going to do it? With what? How
8 long? Where are they going to come from? Who are we going to get? So it's just
9 this backward planning that we -- you know, what is asked of us, and then who do we
10 need to call in to get it done? And then how many? They never tell us -- well, we
11 don't -- they don't tell us "we need 50 soldiers." They'll tell us what they want covered,
12 and then we'll tell them how many soldiers based on the experience and doing it before;
13 this is what we think we're going to need.

14 Q And then, once that analysis is done, they bring it back to you and say:
15 General, here is the mission analysis. Here is what we think we'll need.

16 And then you package that up, and you send it to the Secretary of the Army with a
17 recommendation?

18 A Yeah. There's been times when I've sent it back, you know. So I've said:
19 Look, I think we need to have more soldiers.

20 So I influence them.

21 Q So you have the ability to influence that process. You can say: We need
22 more. We need less. Go back and check this again. Make sure that we --

23 A Uh-huh. Relook it.

24 Q -- check it again.

25 A Relook it.

1 Q But, once all of that is vetted, once that process is vetted, then you take that,
2 and you send it to the Secretary of the Army with a recommendation --

3 A To honor the request.

4 Q Has there ever been a time, just out of curiosity, where you've
5 recommended other than -- not to honor the request because I know you said earlier that
6 you've said no to the -- at the front end to the request.

7 A Right.

8 Q Right?

9 A Uh-huh.

10 Q But has there ever been a time where you have gotten the request, vetted it,
11 and now you're sending it to the Secretary of the Army with a recommendation of no?

12 A No.

13 Q Okay.

14 A No. The Secretary of the Army is very busy. I'm not going to --

15 Q You're not going to waste his time.

16 A Yeah. I'm not going to -- you know.

17 Q Understood. Understood, sir.

18 And then you mentioned that, once it's with the Secretary of the Army, I think first
19 you said -- well, let me back up. You said it goes through the lawyers. Are those
20 National Guard lawyers or are those --

21 A So the National Guard lawyers have already looked at it.

22 Q Okay.

23 A And then what they do, they will send it to the Army's lawyers who will look
24 at it.

25 Q Okay.

1 A I can see there's a lot of lawyers in here, so it --

2 Q It's D.C., sir. You can't swing a dead cat and not hit a lawyer.

3 A They make it the courtesy, you know, send it to the lawyers, the
4 headquarters Department of the Army's lawyers: It's coming. This request is coming.
5 The Secretary's getting it, and then -- so you're ready when the Secretary comes to you.
6 It's just a courtesy --

7 Q Uh-huh.

8 A -- to give it to those lawyers so they're already running.

9 Q So they're ready. So the skids are pregreased, so to speak --

10 A Uh-huh. Uh-huh.

11 Q -- so that people know it's coming, and they can get it in front of the right
12 people and not sit on it?

13 A Yes.

14 Q So, once it goes to the Secretary of the Army, what process, if any, does it
15 have to go through? Does the Secretary of the Army have to send it above him or her,
16 like, to the Secretary of Defense or sort of -- what's that process look like?

17 A It goes to the Secretary -- it goes to the Attorney General or the Deputy
18 Attorney General --

19 Q Okay.

20 A -- who has to concur with it as well because they're not in State status.
21 They're in some kind of a Federal status.

22 Q They're either going to be in title 32 or title 10?

23 A Right.

24 Q Okay.

25 A Right.

1 Q Okay.

2 A So the Attorney General concurs, or since I've been here, the Attorney
3 General has not nonconcurred. So the Attorney General gives a thumb's up, and then
4 the lawyers chop off on it, and then if it's a Federal request, meaning Capitol Police, Park
5 Police, U.S. Marshals, Secret Service -- well, it's different for the Secret Service, I believe.
6 But if it's a Federal request, then the Secretary of Defense has to approve it as well.

7 Q Okay. So it sounds like what triggers another level of approval is if the
8 requester is a Federal entity?

9 A Yes.

10 Q So, if it's, like you said, the Capitol Police, Park Police --

11 A Secret Service.

12 Q -- Secret Service, that will trigger the need for it to go --

13 A SecDef.

14 Q To get SecDef approval?

15 A Uh-huh.

16 Q But if it's the mayor of D.C. or --

17 A Metropolitan Police.

18 Q -- Metropolitan Police --

19 A D.C. Fire and Emergency Services, they call us all the time. Then the
20 Secretary of the Army can okay that.

21 Q Okay. And, even in those instances where the Secretary of the Army can
22 okay it, does the Secretary of the Army ever sort of just give the SecDef, Secretary of
23 Defense, like a heads up, like, "Hey, boss, this is" --

24 A Oh, yeah. If you -- you know, yeah. Just like -- you definitely want to tell
25 him. He shouldn't see it on CNN. He shouldn't see it in the news. This is what the

1 District of Columbia National Guard has been requested to do, and I've approved it.

2 Q Okay.

3 A I mean, I've never been in that room, but I know the Secretary of the Army
4 notifies the Secretary of Defense. It's just prudent.

5 Q Right. And then, once that process occurs --

6 A Uh-huh.

7 Q -- does the request come back to you for execution, or sort of what -- what
8 are sort of the next steps to --

9 A Yeah. I get a letter saying that, you know, I'm authorized to execute the
10 mission, and these are the parameters and keep them him in-- keep him up to date.

11 Q And, other than establishing parameters, who has primary responsibility for
12 planning the execution of the mission itself? Is that the Guard, or is that the Guard and
13 the Secretary of the Army? Who sort of has primary responsibility for making -- once
14 you get -- say go, for making it go?

15 A So the commanding general through his subordinates, and now her
16 subordinates, come up with an operations order and an execution order and execute.

17 Q Okay. So --

18 A I don't need anybody above me to tell me how to operate and execute.

19 Q Understood, sir. So it comes back down to you or the person in
20 your position, and then you all plan and execute?

21 A Right.

22 Q Okay. And then are there any -- once the mission is--

23 A Plan, and then -- so, like, for civil disturbance, plan, and, if time is available,
24 rehearse.

25 Q Okay.

1 A Exercise. So a civil disturbance, you brought -- just to get -- maybe better
2 illustrate, so when there's a civil disturbance mission, we'll bring out the civil disturbance
3 equipment, what we wear, and we'll aggress one another and just rehearse, rehearse and
4 refresh, because we train on it every year. It's a foundational requirement to train on
5 civil unrest, civil disturbance, civil disobedience nationwide. We train for that in the
6 National Guard.

7 Q So what's the foundational skill set for --

8 A For guarding. For National Guardsmen.

9 Q And you made it a point to make a distinction about a civil defense response.
10 Are there any other types of responses where, if you have time, you do or should
11 rehearse?

12 A Yeah. You want to make sure everybody knows what they're doing and
13 they're calm, they're steady, and we talk -- I talk to the soldiers and airmen: This what
14 we've been asked to do. Look out for one another. We've done this before. You can
15 do it. Discipline, order. Watch each other. I've said it. It's on film. It's on film.

16 Q So it sounds like, when appropriate and when you have time --

17 A When you have time. So it's May 31st. It is 2000 hours. I'm watching
18 CNN. I see that the White House is locked down. I get a call from Secretary of the
19 Army. He's joined with General Milley, General McConville. General Walker, what are
20 you doing? You know the White House is on lockdown. I said: I'm well aware of it.
21 I'm watching it right now. It's -- where you are, sir? I'm at work. It's only 8 o'clock.
22 I'm looking at the screen. Do you have a plan? Yes, sir. I always have a plan. I
23 mean, and we do. I mean, it's not the first civil unrest, not the first civil disturbance.

24 So he said: I'm going to call you back. When he called me back, I had already
25 moved the drill day. Our weekend assemblies --

1 Q Uh-huh.

2 A The Guard Reserves, they meet one weekend a month at a minimum. So I
3 moved the drill date, which was the second week of June -- the second weekend of June
4 to June 1 and 2 and then encamped the D.C. National Guard, meaning everybody was
5 going to be working.

6 Q On that weekend?

7 A On that weekend. They called me back. I explained what I had done.
8 The Secretary told me: I'll meet you in the morning. I'll be there around 9, 0900.
9 We're going to go see the mayor, offer our services. Yes, sir, Mr. Secretary. Upon his
10 arrival, I showed him. I had everybody laid out, all the equipment, and we were
11 aggressing one another. Showing him film, the Air Force at Andrews Air Force Base was
12 doing the exact same thing: preparing, rehearsing. Then I invited the Secretary to speak
13 to everybody. Then we went down and we saw the mayor, and the Secretary offered
14 the mayor the resources of the District of Columbia National Guard, if required.

15 Q Okay.

16 A And then, later on that night, we were required.

17 Q Okay. So I'm glad we made the segue to the summer of 2020, but before
18 we completely cross over there, I just wanted to wrap up --

19 A Sure.

20 Q -- one or two thoughts --

21 A Sure.

22 Q -- sort of, under the general rubric of how did the -- how does this operate in
23 a vacuum. So, once it comes back to you and you've executed the mission like you've
24 completed it, what steps, if any, happen next to sort of close the books on it and call it
25 done?

1 A Almost always, there's an after-action report done, and we say, what did we
2 do right, what could we have done better, how would we do it differently, you know.
3 We really critique each other on everything that was done. So an AAR is done, and for
4 the summer, I submitted the AAR to the Secretary of the Army.

5 Q And is that sort of review critique process just sort of within the D.C.
6 National Guard, or does the Secretary of the Army and/or the Secretary of Defense also
7 participate in that process?

8 A Well, I prepare it for them, and then they -- you know, I look at the Secretary
9 of the Army and the Secretary of Defense as my customers. So I did the AAR, and on the
10 summer, I invited the Center for Army Lessons Learned to come up and walk through the
11 AAR with us.

12 Q And when you say "AAR," that -- you mean after-action report?

13 A After-action report.

14 Q Okay. I just want to make sure --

15 A Yeah. That is the way I started out. After-action report, AAR.

16 Q Yes, sir.

17 A After-action report. So we submit the after-action report. I talked about
18 the strength levels of the District of Columbia National Guard. We're almost too small
19 to really respond to a major civil disturbance without what we call Guard Nation, help
20 from the other National Guards. The District of Columbia National Guard, before I
21 joined, I transferred from the Florida Guard to the District of Columbia National Guard,
22 but it used to be massive. It used to be a huge organization. I don't know if it was the
23 Peace Dividend or just as the pie gets sliced, but the District of Columbia National Guard
24 is pretty small now. And there's very little that the District of Columbia National Guard
25 can do by itself right now when it comes to civil unrest, civil disturbance.

1 Q And did that reduction, sir, happen prior to the summer of 2020?

2 A Yes. It has happened over time. I'd say the last, 10, 15 years.

3 Q Okay. So, over the last decade or so, it's been getting smaller and smaller?

4 A Force structure reduction, you know. So we can't do what California,
5 Pennsylvania -- we can't do -- New York. We can't do what major National Guards can
6 do.

7 Q But it sounds like, if you need assistance, you can reach out to Guard
8 Nation --

9 A Yes.

10 Q -- to provide assistance?

11 A Tell the Secretary of the Army. The Secretary of the Army calls the National
12 Guard Bureau. The chief calls the different adjutant generals and says, can you help the
13 District of Columbia National Guard.

14 Q So I'm glad you brought that up because I want to just make sure I
15 understand that with respect to sort of, you know, the triumvirate of States here in the
16 National Capitol Region: Maryland, D.C. and Virginia. So, if the D.C. National Guard
17 wants assistance from Maryland and/or Virginia, what -- what's the process that needs to
18 happen in order for them to be able to provide the D.C. National Guard with that
19 assistance?

20 A Well, the Secretary of the Army requests it from the National Guard Bureau.
21 The National Guard Bureau facilitates, but it's really -- so the Governor has to be okay
22 with it, and then the adjutant general has to have the forces available. And if --

23 Q Sure.

24 A Because you still have to do the home mission as well.

25 Q Understood.

1 A So that State -- since you brought up Maryland and Virginia, they have to
2 have the forces available. They're not deploying anywhere, and the Governor has to
3 agree with it. If the Governor doesn't agree with it, then it's a matter of title 10.
4 You're coming anyway.

5 Q Understood.

6 A The problem with that, you can't be in -- posse comitatus does not allow you
7 to be in a title 10 status to support law enforcement.

8 Q To support law enforcement. Yes, sir.

9 So where -- in a situation where the Governor of Maryland and/or Virginia says,
10 "We approve," and the TAG of that State has said, "We have the forces, they're not
11 deployed, we can assist," is that enough for them to just then start assisting, or do they
12 need to get permission from somewhere else in the DOD chain of command before they
13 can actually come over or from you before they can actually come over and help?

14 A No. I'm requesting the help through the Secretary of the Army. So the
15 Secretary of the Army is that person because, at the end of the day,
16 somebody's -- everybody wants to get paid.

17 Q Uh-huh.

18 A So the Secretary of the Army is that individual that is telling the National
19 Guard Bureau to be able to say: Yes --

20 Q Okay.

21 A -- Maryland, send forces. Virginia, send forces. Pennsylvania, which is a
22 big National Guard, send people.

23 Q So the Secretary of the Army working with the chief of the National Guard
24 Bureau, who you explained earlier is in this sort of resource management role, sort of
25 coordinates the request for outside State assistance. And then, assuming the Governor

1 says, yes, and the resources are available, then the Secretary of the Army can say: Okay,
2 go forth verily and help.

3 A Yes.

4 Q And is that something that the Secretary of the Army has to, like,
5 affirmatively say? In other words, can the -- are people standing by until someone says
6 okay, even though the Governor said yes, and even though we've got to wait, we're
7 still -- if someone says okay, go --

8 A It's the Secretary of the Army.

9 Q The Secretary. Okay. Okay. I think that's all the questions I have about
10 this section.

11 BY [REDACTED]

12 Q Yeah. Can I just ask, General? Tell me a little more about the training.
13 I'm interesting -- interested in that. What more specifically do guardsmen get with
14 respect to civil disturbance training? Could you just tell us a little bit more detail about
15 that?

16 A Yeah. So the use of the riot baton, the use of the shield, you know,
17 defensive tactics.

18 Q Uh-huh.

19 A It's -- when you go through basic training, when you join the National Guard,
20 you learn -- part of the core curriculum is civil unrest, civil disturbance. There's field
21 manuals on it, FMs, field manuals on civil unrest, civil disturbance.

22 Q Do they train as a unit? In other words, are they training with the same
23 men and women with whom they will ultimately be deployed, or are they just all training
24 independently?

25 A No. So they -- so the -- we have a lot of MPs in the District of Columbia

1 National Guard, and many of them are policemen, Federal agents, Federal law
2 enforcement. The same thing with the 113th Wing. There's a security forces
3 squadron. Many of them are police officers in their civilian positions. So we all get
4 together and train as a team, as a unit. So you haven't been trained, and you didn't
5 come out on anything in 2 or 3 years, we're going to rehearse the tactics --

6 Q Right.

7 A -- techniques, and procedures, TTPs. We're going to rehearse those, and
8 we -- we're comfortable everybody is on the same sheet. Everybody has a baseline
9 understanding of what we're getting ready to go do, or we'll just keep doing it.

10 Q Right. It makes perfect sense. So, if I play basketball, and I shoot a lot of
11 free throws on my own, or I practice a lot of jump shots on my own, that's very different
12 from practicing with the same other four people with whom I'm going to be playing in a
13 game. Similar with the Guard. It's important for them to train as a unit so that they're
14 aware of each other's capacities --

15 A Well --

16 Q -- and skills.

17 A -- a little different in the Guard.

18 Q Okay.

19 A One weekend a month, they're coming together --

20 Q Yeah.

21 A -- 2 weeks a year. Everybody knows everybody.

22 Q Uh-huh.

23 A So let's say you just came in from Wyoming --

24 Q Okay.

25 A -- National Guard. Your civilian job moved you here.

- 1 Q Right.
- 2 A So you haven't been out with us, but you know how to do it in Wyoming.
- 3 Q Yeah.
- 4 A So we're just going to make sure you're comfortable.
- 5 Q I see.
- 6 A You have the baseline skills.
- 7 Q Uh-huh.
- 8 A The last time you've been on a bike --
- 9 Q Uh-huh.
- 10 A -- you know --
- 11 Q Yeah.
- 12 A -- I'm sure you still know how to ride --
- 13 Q Yeah.
- 14 A -- but I want you to prove it to me.
- 15 Q I see.
- 16 A Yeah.
- 17 Q Does the training also include the appropriate role of the Guard vis-a-vis the
- 18 domestic law enforcement agencies, sort of what our role is versus what the police
- 19 agency is with whom we're going to be working?
- 20 A Absolutely.
- 21 Q Uh-huh.
- 22 A So, once you finish training, then you'll sit in these bleachers, and then the
- 23 lawyers will brief you, brief you, brief you on what we call rules and use of force.
- 24 Q Uh-huh.
- 25 A And then they'll take questions, and then they'll show you a presentation on

1 it.

2 Q I see.

3 A Then, if it's the Park Police, they will come in and explain exactly what they
4 want our support in and how we're going to do it.

5 Q I see.

6 A And then, if it's the Secret Service, what they want.

7 Q I see. Okay.

8 A Yeah.

9 Q That's very helpful. Thank you.

10 Thank you, [REDACTED]

11 [REDACTED] Yes, sir.

12 BY [REDACTED]

13 Q That raises another question in my mind, and you mentioned it earlier, sir,
14 posse comitatus. So is there ever an instance where the D.C. National Guard does serve
15 in a law enforcement or can serve in a law enforcement capacity lawfully, or are they
16 always prohibited from doing that under posse comitatus?

17 A No, sir. They're never in title 10 on the street, so they're always in title
18 32 --

19 Q Okay.

20 A -- which affords them the ability to be deputized.

21 Q Okay. So if they're --

22 A And they're deputized to support civilian law enforcement.

23 Q Okay. So if they --

24 A So they can assist in an arrest. They can assist in apprehension. Yeah.

25 Q Yeah. That was going to be my next question. So what does that support

1 look like?

2 A They can assist -- that support is coming to the raid -- the aid of a policeman
3 and taking direction from a policeman.

4 Q Okay. So -- and do they -- do they need to be deputized to do that?

5 A They do.

6 Q So some entity deputizes them?

7 A Somebody has to deputize them.

8 Q And it -- can it be any entity like MDP?

9 A Uh-huh.

10 Q Park Police?

11 A Yeah. So there's -- it's normally a white -- it's normally a lieutenant,
12 somebody in a white shirt, but in an emergency -- we haven't needed that, but it's almost
13 always -- it's the same persons that come over and do it.

14 Q Okay.

15 A And we know them, you know: Hey, Lieutenant such-and-such is coming
16 over. Captain such-and-such is coming over. And then everybody will line up, and
17 everybody will get a card, and everybody will have a special police identification, and on
18 the back of that is the rules of use of force again.

19 Q Okay.

20 A So you get it. You sign for it, and you swipe in. We know you had it.
21 And I'm watching. I'm watching the lawyers give it to you.

22 Q So the rules on use of force that are on the back of the card --

23 A Uh-huh.

24 Q -- the special police identifier. It sounds like those are prepared ahead of
25 time, like in conjunction with the JAG sort of giving the briefing?

1 A Yeah. We have them.

2 Q So is it, like, a standard briefing, or can it change based on the
3 circumstances?

4 A It's a standard briefing for the rules of use of force.

5 Q Okay. So the same rules of-- rules on use of force apply --

6 A Uh-huh.

7 Q -- no matter the circumstances?

8 A Yeah.

9 Q Okay.

10 A I mean, these are -- we've been doing this. I was in the D.C. National
11 Guard. I got there in 2000, and I just left, so it's -- you know, every inauguration is the
12 same. Everyone is different. Every -- the International Monetary Fund, IMF, that civil
13 unrest. I believe that was 2001.

14 Q Uh-huh.

15 A Early 2001. We were out there. So we -- it's not new to us.

16 Q Understood, sir. And you said they would go out, and they would -- once
17 they're deputized, they're going to then assist a designated person from law enforcement
18 who's going to provide direction on what support is needed. Do I have that right?

19 A You have that right. But a policeman can say: Hey, I need you all to move
20 from -- normally, normally a policeman can say: Hey, there's nobody coming through
21 this traffic control point. I need you to move a block away.

22 Q Okay. Is there anything that, once they -- the -- once the National Guard
23 folks have been properly deputized and briefed and reported to the police or to whatever
24 the law enforcement agency is, is there anything that they still can't do? Like, is
25 there -- in other words, are there certain things? I'm assuming whatever's on the back

1 of the card, they can't violate the rules of use of force. That seems obvious to me. But
2 is there -- I guess I'm wondering, are there some things even in that status that our
3 Guards' folks are prohibited from doing? Or in that status, do they have this -- sort of
4 this same panoply of power as a regular law enforcement officer?

5 A No. They -- they're always in support.

6 Q Okay.

7 A We're always taking direction. Yeah. There has to be a lawful law
8 enforcement officer there with us. Even at the traffic control points --

9 Q Uh-huh.

10 A -- there was a Metropolitan Police officer out there with us. Normally, at
11 the Metro stations, there's a Metro -- there's a Metro Transit police officer there, and
12 you're taking direction from him or her.

13 Q Okay. I understand. Thank you, sir.

14 A Uh-huh.

15 Q Appreciate that.

16 A You're very welcome.

17 Q Okay. So now let's segue over to the summer of 2020, and I think I -- and if
18 you want -- do you want to take a break, sir?

19 A No. I'm just freezing.

20 Q Okay.

21 [REDACTED] We've all got that problem.

22 BY [REDACTED]

23 Q It's always cold. I don't know what it is. It's winter, and it's still very cold.

24 When you first started talking about this, I think you said it -- your -- the day began
25 with you watching TV and seeing --

1 A No. This was the-- the night began.

2 Q Okay.

3 A This is 2000 hours.

4 Q So let's back up a bit.

5 A Okay.

6 Q Let's just start from the beginning --

7 A Of that day.

8 Q -- of that day.

9 A Sure.

10 Q Yes, sir.

11 A So we were in the midst of -- we were already in direct support of the city
12 with COVID. So we had graves registration people, the mortuary affairs. We were
13 helping them move bodies. We were helping them with crowd management, spacing
14 6 feet apart at congested grocery stores. What is the seafood -- The Wharf or --

15 Q Uh-huh, The Wharf.

16 A So we were out there at The Wharf.

17 Q Uh-huh.

18 A The flowers that come every couple -- the --

19 [REDACTED] Cherry blossoms.

20 BY [REDACTED]

21 Q Cherry blossoms.

22 A We were out there for the cherry blossoms at the request of the mayor.

23 Q Okay.

24 A So the mayor requests us, and we had hundreds of soldiers on Active Duty
25 orders, title 32, in direct support of the mayor and the Metropolitan Police Department

1 with spacing, crowd management, and mortuary affairs support with the morgues moving
2 bodies.

3 Q Okay.

4 A We -- that's what we were doing. And I would send the Secretary of the
5 Army an update, a SIT REP, on that. So my adjutant general, Brigadier General Aaron R.
6 Dean, and I were going over the Power Point presentation. It's 2000 hours, and I
7 normally would send it to him around 2030. On -- and that was -- that was a Friday.
8 We normally wrap up the week or every 2 weeks. I think I was sending it every week.
9 And then we also set up these -- with the hospitals had these extended -- it looked like a
10 trailer.

11 Q Uh-huh.

12 A And so we helped them with that. So we were leaning forward with the
13 COVID.

14 Q You were already there in support of some other operation.

15 A We already had hundreds of soldiers and airmen on Active Duty, title 32, in
16 support of the city for COVID operations --

17 Q Okay.

18 A -- COVID relief. 2000 hours, I get the call from the Secretary of the Army,
19 and then he asks me for the mayor's number. I gave him the mayor's number. He
20 called the mayor. He called the -- Chief Newsham. I gave him Chief Newsham's
21 number.

22 Q And who is Chief Newsham?

23 A He was the head of the Metropolitan Police at the time.

24 Q Okay.

25 A He retired in 2020, I believe, January of -- when did he retire? He retired,

1 though. He retired in time -- he retired in time for Chief Contee to inherit it, so -- but he
2 was -- he was the chief of the Metropolitan Police Department during the summer of
3 2020. So I gave the Secretary of the Army their numbers. They spoke, and then we
4 agreed to meet Saturday morning at the mayor's office.

5 Q So the night that you spoke to him, was that a Friday night?

6 A It was Friday night.

7 Q Okay.

8 A Friday, the 31st of May. And then I moved -- on my own, I moved the drill
9 date to the -- to 1-2 drill, to 1-2 June instead of I think it was 7-8 or 6-7.

10 Q And help me understand. What operationally did that do for you, moving
11 the drill date from basically a week up? What did that allow you to do?

12 A It gave me the ability to have every single National Guardsman, so you've got
13 to you understand. I'm watching the news nationwide --

14 Q Uh-huh.

15 A -- and I see the unrest unfolding through the United States. The logical
16 conclusion is it's coming here.

17 Q Uh-huh.

18 A So you can't get ready. You have to be ready.

19 Q You have to be ready. Yes, sir.

20 A So, in an abundance of caution, I found it prudent to adjust the drill date into
21 the very next weekend --

22 Q Okay.

23 A -- and then sent that out, and every single guardsman got it, and then they
24 had to get here with all deliberate speed.

25 Q And that would have been Saturday, June 1st, and Sunday, June 2nd?

1 A Yes. And then I just encamped them once they got there.

2 Q And, when you say "encamped them," what does that mean?

3 A That's an order saying you can't go anywhere.

4 Q You can't go anywhere.

5 A You can't go anywhere.

6 Q So, when they show up -- so if I were a D.C. National Guardsperson and I'm,
7 you know, working at the local Walmart, I get the order. I come. I'm encamped. And
8 I encamped just for the 1st and the 2nd, or am I encamped until you say I'm no longer
9 encamped?

10 A You're encamped until I say you're no longer, yeah.

11 Q Okay.

12 A You normally do it, like, 15 days.

13 Q Okay. So -- and is that something that people coming in would know ahead
14 of time, like, hey, or can the encampment sort of ball be dropped after I'm already there?

15 A The encampment can be dropped right after you're there.

16 Q Okay.

17 A You just drop the encampment. The farthest -- I had an airman, an
18 attorney, who is a JAG with us. He drove from Utah straight.

19 Q Oh, wow.

20 A Uh-huh. And he was there in time to support us.

21 Q Okay. So the Secretary of the Army calls you on that Friday?

22 A And he calls me back, and I tell him what I've already done.

23 Q And you provide him with, I think you said, the chief of police number for
24 the -- for MPD and the mayor's number?

25 A Uh-huh.

1 Q Okay. He asked you sort of what -- what's the plan?

2 A He said: What are you doing? And I told him: I'm moving the drill date,
3 and we're going to rehearse civil unrest procedures and protocols.

4 Q Okay. So then what else happened on Friday, the 31st?

5 A A series of phone calls with me and the Secretary, me and Chief Newsham,
6 me and the mayor's office. I actually called the mayor and asked her, could I give her
7 number to the Secretary of the Army.

8 Q Okay.

9 A And then we just talked about, are you going to need our help, and no one
10 was committal. So then I told the mayor: The Secretary wants to come to your office
11 tomorrow. We believe there could be some unrest, and we just want to be able to be
12 prepared to help you.

13 Q Appreciate that. So two questions come to mind. The first is, based on
14 our previous discussion, was the chief of the National Guard Bureau sort of in that loop of
15 people that were being talked to on the 31st and the 1st about what was going on?

16 A I didn't talk to them.

17 Q Okay. And then my second question is, is that something that happens? I
18 guess, is it noteworthy that the Secretary of Defense went to the mayor and said, "Hey,
19 do you want to help," or is that --

20 A No. The Secretary of the Army.

21 Q I'm sorry. The Secretary of the Army that said, "Hey, do you want our
22 help," or is that something that happens with some regularity?

23 A Normally, the mayor would call us or Dr. Rodriguez from Homeland Security
24 Emergency Management Agency, HSEMA, would contact us. Normally. I think the
25 Secretary was leaning forward.

1 Q Okay. And is that something that is unusual, for the Secretary to lean
2 forward like that, or is that something that the Secretary has done before, any Secretary?

3 A Well, so we hadn't had that experience. We hadn't had -- you know, so
4 you've got what's going on throughout the Nation. I think that these were unusual
5 circumstances, and I think that's -- I mean, I can't think for the Secretary.

1

2 [3:00 p.m.]

3

BY [REDACTED]

4

Q Okay.

5

A But he was concerned. He told me he was concerned about what could

6

happen in the Nation's Capitol, and we need to be prepared.

7

Q Okay. So it sounds like, in part, because of unrest that's being seen around

8

the country in other parts and you correctly pointing out that it's likely to come to D.C.?

9

A I thought it was coming.

10

Q Right. And got to be ready, not get ready. That all sort of plays into the

11

Secretary of the Army leaning forward to want to go to the Mayor and say, Do you want

12

our help?

13

A Yes.

14

Q Okay. And I just want to go back to the dates, because I want to make sure

15

we have the date right. So I think May 31st of 2020, was actually on a Sunday.

16

A May 31st?

17

Q Yeah. I think -- and I just want to make sure that we're talking about the

18

right days.

19

A May 31st of 2020?

20

Q May 31st of 2020. So I'm going to trust my trusty iPhone here. So

21

May 31st would have been on a Sunday, and June 1st and 2nd would have been a

22

Monday, Tuesday. So I'm wondering -- just so I'm making sure we have these dates

23

right, that conversation that you had that Friday, could that have been on May 29th?

24

A Well, let me go to my calendar.

25

Q And I know that was over a year ago, so that -- you know, I understand.

1 [REDACTED] If it helps, General, the murder of George Floyd was on May 25th.

2 General Walker. Yeah. So it was May 30th. I'm sorry. May 29th.

3 BY [REDACTED]

4 Q May 29th.

5 A May 29th. Yeah.

6 Q Okay. Okay.

7 [REDACTED] Thank you, [REDACTED]

8 BY [REDACTED]

9 Q So May 30th -- May 29th would have been the Friday where --

10 A Do we have anything from that summer there?

11 Q I don't have anything from the summer in here, so I apologize for that.

12 Most of the stuff in here is in reference to --

13 A It was a Friday.

14 Q -- the 6th. Okay. Okay.

15 A It was a Friday night.

16 Q And I just want to make sure --

17 A Oh, no. It matters. It matters.

18 Q I just want to make sure we have the dates right. So it sounds like on
19 Friday, May 29th, is when you would have had that discussion, and you would have
20 moved the drill date up to the weekend of May 30th and 31st, where you then encamped
21 everyone.

22 A Yeah. This is -- I should have brought -- I should have brought the summer
23 stuff with me.

24 Q And I think that tracks, sir, because -- and we're going to get to it, but I think
25 on Monday, June 1st, is when the Lafayette Square incident happened.

1 A Hmm. I thought we went to see the Mayor on the weekend, though. I'm
2 almost certain we went to --

3 Q I'm not saying you didn't. I'm just saying the dates, I think we were off.
4 So I'm not suggesting that you didn't see the Mayor on a Saturday. I'm just saying that I
5 think that the Saturday was actually May 30th instead of June 1st, based on the calendar.

6 A Everybody -- everybody I'm thinking about calling, you're going to call
7 anyway, so I can't call them. So yeah. So [REDACTED] will have the right date.

8 Q Okay.

9 A But if you're looking at the calendar here, it had to be May 29th.

10 Q Okay.

11 A It had to be May 29th. And then the drill was -- hmm.

12 Q Would have been the 30th and the 31st.

13 A Yeah, it would have had to have been.

14 Q Okay.

15 A Yeah.

16 Q Okay. So it sounds -- going back to the Secretary of the Army visiting with
17 the Mayor, it sounds like the circumstances were significant enough and unusual enough
18 that that was warranted?

19 A Uh-huh.

20 Q Okay. So you're making phone calls on Friday. You move the drill date
21 up. So then what happens the next day, on Saturday, May 30th?

22 A May 30th, we go see the Mayor.

23 Q And when you say we, who all went to see the Mayor?

24 A Myself, Colonel [REDACTED], General Dean, Command Sergeant Major [REDACTED],
25 the Secretary of the Army, and he probably had somebody with him.

1 Q And just so I'm clear, Colonel [REDACTED] role, what was his role at that time?

2 A The senior legal officer.

3 Q Senior legal, to the D.C. --

4 A To me.

5 Q To you. To you specifically?

6 A Uh-huh.

7 Q Okay. Gotcha. And so you get to the Mayor's office, and then what
8 happens while you're there?

9 A So we explained that, you know, we were there, we were prepared to
10 support if anything -- if they needed us. And they were -- they were grateful, and
11 they -- at that point, they thought they had it under control.

12 Q Okay. So as of the point where you went in, said, hey, we're here, got a
13 plan, we're ready to help, they essentially say, we appreciate it, but we think we've got it
14 under control?

15 A Uh-huh.

16 Q Okay. So then what does -- what does, then, that mean practically for you
17 all? Since you've, you know, moved the drill date up, you've encamped the folks, the
18 Mayor has said, I think we've got this. So what does that --

19 A Uh-huh.

20 Q What does that response mean for you practically?

21 A So I had already encamped them. I had already brought them, so just
22 continue to rehearse, continue to prepare, and then train.

23 Q Okay.

24 A So we call it hip-pocket training. So you can always train. There's always
25 something you can be training on. So we -- I'm not -- we didn't waste their time.

1 Q Uh-huh.

2 A So they continued to train. And then I took the Secretary of the Army to
3 the Mortuary Affairs sites, and I said, Hey, you might as well take him around to see what
4 his soldiers and airmen are doing.

5 Q Okay.

6 A So we spent the rest of the day doing that. Then we came back to the
7 armory, and then things started heating up. And then, later on that evening, they did
8 call us.

9 Q Okay. And so before we get to the part where they called you, about what
10 time of the day -- and I know it was a long time ago, so a ballpark would be fine. What
11 time of the day were you all meeting with the Mayor on Saturday?

12 A It was -- it was in the morning.

13 Q In the morning?

14 A Yes, before noon.

15 Q And then how long were you and the Secretary sort of doing the tour with
16 the troops and seeing Mortuary Affairs --

17 A Show him some of the COVID sites?

18 Q Yeah, yeah. How long did that go for?

19 A That was -- it was probably the rest of the afternoon.

20 Q Okay.

21 A And then we came back to my office in the armory. And then, later on that
22 evening -- he was still with me -- the phone call comes in, they need our help.

23 Q And the folks that were encamped, were they encamped at the armory?

24 A Yeah.

25 Q And is that where they would normally be?

1 A So they were still on a drill status then.

2 Q Uh-huh.

3 A They were just -- the drill had just been moved. And then, over that
4 weekend, when we saw how -- what was going on, the civil unrest, then I just encamped
5 them.

6 Q Okay. And is that where -- in any circumstance where you call the National
7 Guard for a drill, are they normally -- do they normally report to the armory?

8 A So -- so they'll report to their workstation, the armory, Andrews Air Force
9 Base, Bolling Air Force Base.

10 Q Okay.

11 A Fort --

12 Q Fort Myer?

13 A Fort -- no. Fort in -- further out in Virginia.

14 [REDACTED] Belvoir.

15 BY [REDACTED]

16 Q Fort Belvoir?

17 A Fort Belvoir.

18 Q Okay. So it could be any in one of the military bases or --

19 A Uh-huh.

20 Q -- joint military bases --

21 A Uh-huh.

22 Q -- in the area?

23 A So it's their regular duty assignment. What makes the day different is they
24 break out the civil unrest, the civil disturbance gear, put on the red man suits, then start
25 poking another, pushing one another.

1 Q So on Saturday, May 30th, all those folks that were normally -- could
2 normally otherwise be at Bolling or Andrews or Belvoir, Anacostia, were all at the
3 armory?

4 A The people at Andrews did it at Andrews.

5 Q Okay. So they would do it where they were already --

6 A Uh-huh.

7 Q Okay.

8 A But the soldiers at Belvoir, they came to the armory.

9 Q And is that because logistically, it just made more sense for them --

10 A Yeah.

11 Q -- to do it there?

12 A Uh-huh.

13 Q So if the training could be done on base where they were, it would be done
14 there?

15 A They did -- yeah.

16 Q If not, then they would come to the armory?

17 A Armory.

18 Q Okay. So you said sometime that night, you get the call from --

19 A Sometime that -- late afternoon, early evening, get the call from the city.

20 Q And who called you?

21 A In D.C.

22 Q Who called you, sir?

23 A Dr. Rodriguez.

24 Q Okay. And what did Dr. Rodriguez say?

25 A Said they would need help. We want people out there to help us.

1 Q And did they specify what type of help they wanted or, like --

2 A Civil disturbance help.

3 Q Civil disturbance help.

4 A Uh-huh. Vehicles. They wanted roads blocked. And then at the same
5 time, the Secret Service was calling. They wanted help as well. Secretary was right
6 there with me. He approved it instantly in what we call VOCO, you know --

7 Q Verbal command authorization?

8 A Yes.

9 Q Okay. And was there already -- so, earlier in our conversation, when you
10 were sort of walking me through how this normally works, you said one of the things that
11 you do is you put together a plan --

12 A Right.

13 Q -- right, that gets vetted.

14 Did that occur in this process? Was there -- I guess, where in the process, if at
15 all, was the civil disturbance plan created -- or maybe it wasn't -- that sort of would apply
16 to this particular situation?

17 A Well, the Capitol -- the Park Police came over, briefed what they wanted us
18 to do. Then we started supporting them. So we're -- our initial support was to the
19 Park Police.

20 Q Okay.

21 A We supported them. And it's just -- so that senior military officer out there
22 is going to report to the senior Park Police officer.

23 Q Okay. So the senior military officer can report to a senior law enforcement
24 officer --

25 A To take direction. And then he goes back. So the military is always under

1 military control --

2 Q Uh-huh.

3 A -- but is taking direction --

4 Q Direction from law enforcement?

5 A Yes.

6 Q And it sounds like, if I have this correctly -- excuse me -- that with respect to
7 the summer of 2020, it doesn't sound like there was a pre -- like there was a plan done
8 ahead of time, or was there, for what exact -- like, in the beginning, when you walked me
9 through it, you said, you know, we get a request, we evaluate sort of what we need to
10 fulfill the request. We build the plan.

11 And I guess I'm wondering, did that process take place in the summer, or was it,
12 hey, we need help, go report to the senior law enforcement officer, and they'll tell you
13 what to do?

14 A That -- you got it exactly right.

15 Q Okay.

16 A Uh-huh.

17 Q So --

18 A There was no five-paragraph mission order.

19 Q There is no mission order. Okay.

20 A Right.

21 Q Okay.

22 A Uh-huh.

23 Q And so folks went out and reported, you said, initially to the Park Police?

24 A Yes.

25 Q Okay. And what function -- they were doing, you said, civil disturbance?

1 A Civil disturbance, yeah. So the Park Police was out front. D.C. Guard was
2 behind them keeping the crowd back. And then behind them was the Uniformed
3 Division of the Secret Service.

4 Q Okay. And was that the only function that the D.C. National Guard served
5 on that day, or did --

6 A No. We later came to support the city, the Metropolitan Police, with
7 vehicles blocking, and then our presence as well.

8 Q Okay. So let me first make sure I understand the civil disturbance piece.
9 So how long are our folks, meaning the D.C. National Guard folks, out there providing that
10 particular support you just described --

11 A Yeah.

12 Q -- to the Park Police?

13 A So I don't remember how long they were out there, but we stay out there
14 until -- until we're no longer needed.

15 Q Okay.

16 A So until they relieved us.

17 Q And was it --

18 A I mean, the crowd dissipates, the crowd leaves, and then everybody goes --

19 Q And everybody goes home?

20 A And do it again tomorrow.

21 Q So the second level of support where you provided vehicles as part of the
22 presence --

23 A Right.

24 Q -- did that happen concurrently with the civil unrest piece or afterwards, sort
25 of --

1 A No, we're doing them -- we're doing them both.

2 Q They're doing them both?

3 A So we're doing Lafayette plaza, and with the city -- and I should have brought
4 notes for this, but what the city wanted was what happened in Virginia where somebody
5 would just come down, start ramming people, so it was really to block off the streets so
6 nobody could just, you know, attack pedestrians.

7 Q And the request for the vehicles and such, did that also -- did that come in
8 the same discussion where they said, yes, we want your help, or was that a subsequent
9 request?

10 A So it was two different -- so the city requested us, and then Park Police
11 requested us.

12 Q Okay. So the first one that the D.C. National Guard is responding to --

13 A Is the Park Police.

14 Q -- is the Park Police?

15 A Uh-huh.

16 Q Okay. So if we back up a couple of steps, when you said that the next day
17 you got the call, and they said, hey, we want your help, was that from the Park Police or
18 was that from the city of D.C.?

19 A The Park Police came to the Army. They asked for our help.

20 Q Okay.

21 A And then the city called.

22 Q Got it. So Park Police --

23 A We helped them both.

24 Q Right. So Park Police showed up and said, hey, we want your help.

25 A Uh-huh.

1 Q And then the city shows up and says, hey, we want your help?

2 A Uh-huh.

3 Q And then that formulates the help?

4 A Right.

5 Q And with specific reference to the civil disturbance folks, there is no plan.

6 It's, hey, go find a senior law enforcement person in the Park Police, support them, and
7 get the job done?

8 A Yeah.

9 Q Okay.

10 A The -- there was a captain from the Park Police who -- he came to the
11 armory, and then there was other officers came to the armory.

12 Q Okay.

13 A So we knew who we were going to be supporting.

14 Q And in that instance where they just moved straight out, would there have
15 been that briefing with the JAG about use of force, where they would have gotten the
16 badges with the use of force?

17 A Oh, yeah.

18 Q Okay.

19 A Definitely.

20 Q So they would have already had the badges. And they would have -- I'm
21 assuming they would have been deputized by the --

22 A Park Police.

23 Q -- Park Police to sort of do what they needed to do?

24 A And the Metropolitan Police.

25 Q And the Metropolitan Police.

1 So the request for -- so the city also calls you and says, we want your help. And
2 what specific help did they ask for?

3 A They asked for the vehicles and people to man the vehicles.

4 Q Okay. And what kind of vehicles were you talking about?

5 A These were like Humvees, vehicles you -- you know, you couldn't just ram
6 them. They weren't going to move.

7 Q And was the idea to -- were they supposed to sort of --

8 A Control the pedestrian traffic, you know, so nobody --

9 Q To sort of direct pedestrian traffic so they couldn't --

10 A To protect the pedestrian traffic. So what happened in Virginia where the
11 woman was struck by a guy that just rammed the crowd --

12 Q Uh-huh.

13 A -- that's what it was for.

14 Q Oh, so to prevent sort of what happened in Charlottesville?

15 A Charlottesville, yes.

16 Q Okay. Okay. And was there a mission piece that was -- a mission order
17 that was done for that piece of it, for the vehicle piece, or was it like the civil disturbance
18 side where basically people just moved out?

19 A They just moved out.

20 Q Okay. So how did the people just move out with the vehicles? How do
21 they know what they're supposed to do? Are they going to report to like the
22 Metropolitan Police Department senior person who's going to say, okay, I need the
23 vehicles here, here, and here?

24 A Oh, yeah.

25 Q Okay.

1 A Exactly. So the senior from the MPD, Metropolitan Police Department, is
2 going to tell the lieutenant colonel or the major out there what needs to happen, and
3 then it's executed.

4 Q And were there any other vehicles other than the Humvees that were
5 provided by the D.C. National Guard for that day?

6 A There were probably trucks out there as well.

7 Q And what kind of trucks would those be, sir? Just trucks?

8 A Military trucks.

9 Q Military trucks. Sort of to serve the same pedestrian protection function?

10 A Troop carrier. Troop carrier trucks.

11 Q So were there troops actually in the trucks?

12 A No. They didn't want a lot of troops out there.

13 Q Okay. And this is all happening on Saturday, the 30th?

14 A Yeah. To the best -- so I'm a little --

15 Q Right. Right.

16 A So now I'm questioning my -- I mean, it's been a while, because I don't know
17 why I was stuck on the 29th, but I have to be wrong because the calendar is right.

18 Q And so does that support the -- both the civil disturbance and the vehicle
19 support?

20 Well, let me, before I ask that question, ask: Was there any other type of
21 support that was provided by the national -- D.C. National Guard other than to the Park
22 Police and to the Metropolitan Police?

23 A Yeah. That was -- that was it.

24 Q That was it. And did that support continue from Saturday into Sunday?
25 Did it end at the end of Saturday, sort of --

1 A It continued until -- so now I don't remember what date the -- but the
2 church -- somebody set the church on fire. I was out there for that. I just don't
3 remember what date that was. But we were -- we were -- now it's unrest throughout
4 that whole area.

5 Q Uh-huh. And then, moving --

6 A And we're in direct support of the Metropolitan Police Department.

7 Q So would it be fair to say that whatever actions were taken by the National
8 Guard folks that were deployed that day were either at the direction of the Park Police or
9 the Metropolitan Police?

10 A Yeah. Yeah. We're always in support of a law enforcement agency.

11 Q Okay.

12 A We're support of civil authorities.

13 Q Okay. And now let's move forward to Monday, which is when the
14 Lafayette Square incident happened.

15 A Uh-huh.

16 Q Sort of walk me through your day that day.

17 A I was probably with the Secretary for most of it, walking around with the
18 Secretary.

19 Q And were nat- -- were our National Guard folks still out there doing the civil
20 unrest --

21 A Uh-huh.

22 Q -- function and the vehicle --

23 A Blocking.

24 Q -- pedestrian --

25 A Uh-huh.

1 Q Okay. Were there any other vehicles provided by -- I think I asked this
2 already, but, I guess, there was reporting that there was a helicopter -- a low-level flying
3 helicopter --

4 A Uh-huh.

5 Q -- involved. Was that a D.C. National Guard asset?

6 A Yes.

7 Q Okay. Can you walk me through sort of how that came to be, sort of --

8 A Yeah. So -- so the -- we always have the task force commander, so a
9 one-star general that worked for, ultimately me, but General Dean, Aaron Dean, so
10 Brigadier General Robert Kenneth Ryan was the joint task force commander. He
11 authorized the -- the helicopters to fly over the crowd to observe and report, and the
12 Secretary of the Army approved that.

13 Q And the task force commander, what was that person's rank again?

14 A Brigadier general.

15 Q And did that -- is that person someone that would report to you, sir?

16 A Ultimately.

17 Q Ultimately. So he's a -- he or she is a couple levels --

18 A Yes.

19 Q Okay.

20 A So he's the land component commander -- commanding general, land
21 component. He reports to Brigadier General Aaron Dean, and then through him to me.

22 Q Okay. And would the request to use helicopters, would that
23 ultimately -- did he have the ability to approve that at his level or did it have to be --

24 A As the joint task force commander, it was in his inherent authority. Not
25 only that, I mean, he was using the helicopters to move supplies for COVID all around.

1 So he was --

2 Q Okay.

3 A -- using them. The helicopters belonged -- they belonged to me ultimately,
4 but they belonged to him. I mean, he -- he moves those helicopters and has them flown
5 at his discretion. And it's in his inherent authority to operate those helicopters.

6 Q Okay. And I think you said this, but I might have missed it, so I apologize.
7 Who made the request for the helicopter?

8 A No, no -- he -- he decided he wanted air support out there.

9 Q Oh, so he on his own decided use of the helicopters --

10 A Yeah.

11 Q -- would be a good idea?

12 A And he texted me, and I said, Hey, outstanding. I told the Secretary, and
13 the Secretary said, Approved. And I just -- I didn't acknowledge. I just said okay. But,
14 you know, it was already done.

15 Q Okay.

16 A Yeah. It was already --

17 Q So --

18 A He had already done it. He was letting me know, and I said, Outstanding.
19 I text back "Outstanding."

20 Q So it was within his purview as the joint task force commander to make that
21 assessment and then say, hey, this is an appropriate use of our resource. And then they
22 let you know ultimately, and then he goes off and sort of -- and does what he's going to
23 do?

24 A Yes. So he directs that two helicopters fly over to observe and report.

25 Q Uh-huh.

1 A And that's what I told the Secretary. And the Secretary said, Yeah, fine,
2 that's approved. Observe and report.

3 Now, the pilots came a little too close to the civilians on the ground.

4 Q And do you think that's -- why do you think that is? Why do you think that
5 they came too close to the civilians on the ground?

6 A Well, the Army -- the Army did an investigation. They said that they
7 were -- they were okay.

8 Q Oh, so the Army does an investigation and says they weren't too low?

9 A Right.

10 Q Okay.

11 A Yeah. So --

12 Q I guess what I'm asking is that is -- does the tactical decision about how high
13 or low to fly the helicopter rest with the pilot of the helicopter or is that something that,
14 you know, the joint task force commander has to approve?

15 A Well, the joint task force commander is not a pilot, so the pilots -- we're
16 counting on the pilots.

17 Q Okay. To make those decisions?

18 A Yeah. To make the decision.

19 Q And that -- based on their expertise and their experience?

20 A And they were in restricted airspace, and they had permission to go all the
21 way to land. So they were cleared to land in that restricted airspace. So just looking at
22 it, some could say it was too low. But I've talked to people who said it was okay. I've
23 talked to people who said it wasn't. Here's what we know: It didn't look right.

24 Q Right. Right.

25 A So I commissioned a 15-6 investigation. The Secretary of the Army took

1 the investigation, and then the Secretary of Defense took it from the Secretary of the
2 Army.

3 Q So you as the commanding general of the D.C. National Guard --

4 A I ordered the 15-6, yes.

5 Q -- order an investigation.

6 A Yes.

7 Q It is then sort of subsumed by the Secretary of the Army, and then further
8 subsumed by the Secretary of Defense?

9 A Yes.

10 Q Is that unusual?

11 A No. That can happen.

12 Q Okay.

13 A No. That can happen.

14 Q Okay.

15 A So I -- you know, I -- I want to get to the bottom of it. I want to find out,
16 you know, what went wrong. Secretary of the Army decides he wants to find out. And
17 then Secretary of Defense wants to find out.

18 Q And the next question I'm about to ask you admittedly involves a little bit of
19 cognitive dissidence, but I'm going to ask it anyway. So putting the 6th -- January 6th
20 aside for a moment. At that time, in the summer of 2020, did you -- how did you feel
21 about the level of response that was being provided by the D.C. National Guard in relation
22 to the civil unrest that was going on? What was your sense about its appropriateness at
23 that time?

24 A On January 6?

25 Q No, no, no. No. So --

1 A Going --

2 Q Go backwards in time and pretend you're there back in the summer of 2020.
3 So January 6th hasn't happened yet, right? And I guess I'm asking you: At that
4 moment in time, how did you feel about the level of response to the civil unrest? Did
5 you feel it was appropriate, too little, too much? I'm just trying to get a sense of what
6 you thought at that time.

7 A Yeah. I thought it was appropriate. I mean, we can't have the White
8 House being attacked, we can't have people -- my position is, you know, for -- I'm an
9 African American. That could have been my son. I have three sons, all taller than me.
10 I mean, George Floyd could have been my grandson.

11 Q Uh-huh.

12 A He's not that tall yet. He's a year old. But I'm well aware that I could be
13 George Floyd. But you still can't just have civil unrest, civil disorder. You can't have
14 anarchy, and you cannot force the White House to be on lockdown.

15 So I was proud of the soldiers. They -- and airmen, very proud of them. I
16 thought our response was appropriate. And nobody -- nobody found the District of
17 Columbia National Guard had abused anybody. We didn't -- well trained, well
18 rehearsed, well disciplined, and well executed the mission. So I was very proud of the
19 soldiers and airmen for what they did.

20 Q Yes, sir. And what were the ultimate result, if there was one, of the
21 investigation that you ordered that ultimately got subsumed by the Army and ultimately
22 got subsumed by the Secretary of Defense?

23 A Nobody was punished.

24 Q Okay.

25 A And, you know, the pilots had -- you know, they explained their actions,

1 and --

2 Q So it sounds like there was no action as a result of the -- I guess, let me ask
3 this question first. I don't want to make that assumption. Was the report ultimately
4 concluded and closed?

5 A Yes.

6 Q Okay.

7 A And they all -- they all received, what I was told, letters of caution, letters of
8 concern.

9 Q Letters -- like kind of like a letter of counseling?

10 A Letter of counseling.

11 Q So no --

12 A Nothing punitive -- really punitive.

13 Q So no UCMJ action?

14 A No.

15 Q No administrative -- no article 15s or anything like that?

16 A No. No article 15, no reduction in grade, no suspension of flying privileges.

17 Q Okay.

18 A None of that.

19 Q Okay.

20 [REDACTED] [REDACTED] do you have any questions?

21 [REDACTED] Yeah.

22 BY [REDACTED]

23 Q General, just -- I'm just interested in if you could talk a little bit more about
24 what was the concern about a low-flying helicopter? What message does that send, or
25 what's the potentially negative impact of the helicopter flying low over a civil disturbance

1 event?

2 A Well, it -- it could cause more damage. I mean, what if somebody was hurt
3 from it? What if -- there was a whole bunch of things that could have went wrong --

4 Q Uh-huh.

5 A -- just looking at what I saw.

6 Q So is the reason it's not advised is the potential of some kind of mechanical
7 failure or is it more sort of a psychological impact on the people below?

8 A I would hope it's the former. I would hope we're concerned about, if you
9 had some kind of failure --

10 Q Yeah, absolutely.

11 A -- and then it crashes, it's -- you're too low to recover.

12 Q I see.

13 A Yeah.

14 Q So that's the concern, is --

15 A Yeah.

16 Q -- if it's too low, then you're -- it's dangerous as a matter of a potential
17 crash --

18 A Uh-huh.

19 Q -- or an equipment issue?

20 A Yes.

21 Q The problem is not, rather, hey, that sends -- that's a militarized response to
22 civil unrest, which causes a reaction in the crowd, or changes the sort of context of what's
23 occurring on the ground?

24 A Yeah. I mean, so these pilots, you know, they've all been, you know,
25 deployed. They've all been in combat. They've all -- they're very gifted, talented,

1 seasoned pilots.

2 Q Yeah.

3 A It just appeared to me that it was too close, and that's why I had an
4 investigation.

5 Q Yeah.

6 A I don't think they were using it as the second part, to try to disperse the
7 crowd.

8 Q Okay.

9 A Yeah.

10 Q Okay. And all in, last question for me is: How many D.C. National
11 guardsmen are available for something like the summer or Jan 6? Like, if every single
12 resource is activated, how many people is that?

13 A So total strength?

14 Q Yeah.

15 A It's less and less and less. It was about 2,700.

16 Q Okay.

17 A And I know it's less than that now.

18 Q I see.

19 A Because when we bring people on and they can leave, they do.

20 Q Right. And at its historic height, do you have any sense of how --

21 A Oh, it's thousands. Before I got there, there were thousands.

22 Q Like 10,000?

23 A Probably 7 --

24 Q Okay.

25 A -- 6,000.

1 Q So 2,700, down pretty substantially?

2 A Whole units went away. You know, the District of Columbia National
3 Guard had a MASH, a mobile Army surgical hospital.

4 Q Uh-huh.

5 A They had an engineer battalion. They had a military police command,
6 which has brigades in it.

7 Q I see.

8 A And it's down to one -- one battalion, and it's really a battalion minus.

9 Q Yeah.

10 A So it's -- it's hollowed out pretty well.

11 Q Okay. And I may be asking you things beyond your personal knowledge,
12 and I apologize if that's the case. I'm just wondering if that was an intentional
13 drawdown as a matter of policy? Was it a budget issue, we don't have sufficient
14 funding? Is it just a manpower issue, that the Guard is shrinking and we haven't
15 replaced soldiers? What's the reason for that?

16 A I think it's all of that.

17 Q Uh-huh.

18 A And -- I'm going to be careful here, because it's a political response.

19 Q Yeah.

20 A But I'm just telling you what I think.

21 Q That's -- I appreciate that.

22 A Some -- there is no Senators here. There is no Governor. There is no
23 Congressman. Well, you know, we have the --

24 Q Yeah.

25 A Ms. --

1 Q Delegate Norton?

2 A Delegate Norton.

3 Q Uh-huh.

4 A But -- so if the National Guard Bureau decides, hey, we're going to take force
5 structure, who is going to fight it?

6 Q There's no advocate in Congress?

7 A There's no advocate in Congress.

8 Q I understand.

9 A And there's no Governor.

10 Q Yeah.

11 A So the force structure is just removed.

12 Q Right. I see.

13 A So the Army will say, you're going to -- the Army is going to shrink. The
14 Army is an accordion. When there's wars -- you know, if you have tattoos, during
15 peacetime, you can't get in. If there's a war going on, meh, what's the tattoo say?

16 [REDACTED] Right. And can you cover it with your shirt?

17 General Walker. Yeah. It's an accordion. I mean, it goes -- it collapses, it
18 expands. Probably should. Probably should. But when the Army is going to cut force
19 structure, then it's really one Army.

20 [REDACTED] Yeah.

21 General Walker. It's really one Army. And then the Reserves is going to lose.
22 The Guard's going to lose. The Active Duty Army is going to lose.

23 [REDACTED] Right. Yeah.

24 General Walker. And when they decide who it's going to cut, who can fight the
25 cut?

1 [REDACTED] Yeah.

2 BY [REDACTED]

3 Q So some of this isn't specific to the D.C. Guard. It's part of that overall
4 accordion --

5 A Yeah.

6 Q -- with the overall force?

7 A But given the mission to protect the Capitol, that's -- you know, if you go and
8 see a D.C. guardsman, the shield on their shoulder is the Capitol.

9 Q Uh-huh.

10 A Protect the Capitol. That's why Thomas Jefferson created it.

11 Q Yeah.

12 A There should be -- the cuts shouldn't be proportional.

13 Q Yeah.

14 A It's too small to take the same cut that Pennsylvania, California, Illinois -- I
15 served in the Illinois Guard.

16 Q I see.

17 A You know, I've served in different guards. Some are -- they're just huge.

18 Q Yeah.

19 A Multiple -- Illinois has three two-star generals.

20 Q Right.

21 A D.C. has one two star and, on the Army side, two one stars, and one Air
22 Force general.

23 Q Yeah. And what was the total force when you stepped down as the
24 commanding general of the Guard?

25 A I want to say maybe 2,600, 2,500.

1 Q 26?

2 A Yeah.

3 Q Okay.

4 [REDACTED] Appreciate that. Thank you.

5 Thank you, [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] I just had one question.

8 General Walker. Sure.

9

BY [REDACTED]

10 Q I think we're heading into January 6 now. I know that you've talked about
11 the appropriate response during the summer, and it sounds like from the 29th, 30th,
12 31st, 1st, that a number of decisions were made.

13 How was your communication with the Secretary, with Ryan McCarthy, during
14 that time? It sounds like he was with you for some of it.

15 A Oh, he was with me for all of it.

16 Q Okay.

17 A We've got the photos. I mean, he was out there with me. He came to the
18 armory every day. He brought his staff with him. He brought General McConville with
19 him. He brought the two star in charge of the Military District of Washington. I mean,
20 he was there.

21 Q And it sounds like, correct me if I'm wrong, that for most of these kind of
22 decisions regarding civil disturbance, the vehicles, the helicopter, did you consult with
23 him -- or I don't want to put words in your mouth. He was informed or did you have to
24 get his approval? I just want to --

25 A Well, to initially roll out, yes, I had to get his approval. But he was right

1 there. And I said, Hey, that was the city. This is what they want. He said, VOCO,
2 approved.

3 Q Got it.

4 A Boom. And I called. In fact, I said, Hey, we're on the -- we'll be there as
5 quick as possible, and then told General Ryan, General Dean, make it happen.
6 Secretary's right here. He approved it.

7 Q Got it. Good.

8 A Yeah.

9 [REDACTED] Anything else, ma'am?

10 [REDACTED] No.

11 [REDACTED] Sir?

12 [REDACTED] No.

13 General Walker. So he was with me.

14 [REDACTED] So, sir, we've been going about -- oh, I'm sorry. [REDACTED]

15 BY [REDACTED]

16 Q General, you mentioned that they didn't want a lot of troops out there.
17 Who did you mean by they? Is that representatives of the D.C. government? Was that
18 somebody from the Mayor's office who said that, or did they tell you why?

19 A For when?

20 Q When [REDACTED] asked you about the troop trucks, whether they
21 were to hold troops, you said, They don't want a lot of troops out there during the
22 summer of 2020.

23 A No. They didn't -- they just wanted the vehicles. They didn't need -- at
24 that point, there was no -- there was no civil unrest. They wanted the vehicles to make
25 sure to protect the pedestrians that were there, that nobody would just ram and run over

1 the vehicles. So we had the appropriate amount of troops to -- so we always have a
2 driver, an assistant driver, and a ground guy. So that's who we had out there.

3 Q Okay.

4 A And it was no need for forces out there at that point.

5 Q And the last question is just, there were reports of the Mayor being
6 concerned about the identification of troops. Did anyone ever talk to you about those
7 concerns? Did you hear them from the Mayor herself or --

8 A Yes, I did. I heard them from her and her staff. So anybody can buy that
9 U.S. Army uniform. So what I did, several years earlier, I purchased the black vest that a
10 lot of National Guard and even the Active Duty Army has. So if you go to Fort Myer
11 DOC, it says "military police" across the back, it has the name on it, and it has the military
12 police badge.

13 So if you google January 6, if you google -- and in images, the summer of 2020, you
14 will see the District of Columbia National Guard, because the black vest says "District of
15 Columbia National Guard," the District of Columbia flag, and then either U.S. Army or U.S.
16 Air Force, and the name.

17 So we purchased those, actually started buying them the end of 2016 in the run
18 up for the 2017 inauguration. I wanted to be able to distinguish guardsmen from
19 everybody else out there. And that's why the media -- I had -- I had a news outlet call
20 me and say, we can't find one photo of a D.C. guardsman beating anybody with a stick, so
21 I sympathize with you, you know, but not so much.

22 You know, I'm glad you couldn't find anybody.

23 Q Okay.

24 A Because these are our fellow citizens. We're from the community. We're
25 community based -- the National Guard is a community-based organization. So

1 the -- you did see people out there in military accoutrements, but not -- but it didn't have
2 their name on it. It didn't say U.S. Army or U.S. Air Force. But from a distance, you
3 wouldn't know.

4 Q And did anyone else -- or was there anything else that someone from the
5 Mayor's office reached out to you, either about concerns with the -- you know, the level
6 of involvement from the D.C. National Guard during the summer of 2020, or was that the
7 only sort of issue that you heard that she and people who worked for her had a concern
8 about?

9 A She was concerned about unknown -- I mean, she knows the District of
10 Columbia National Guard. We have a healthy relationship with the Mayor; with the
11 Metropolitan Police Department; with HSEMA, Homeland Security Emergency
12 Management; and D.C. FEMS, the District of Columbia Fire and Emergency Services.
13 They know us, we know them.

14 And those flags -- the District of Columbia flag has gone a long way to identify
15 that's a District of Columbia guardsman. That's not somebody in law enforcement in
16 those battle fatigues. So that's why we wear those vests.

17 Q Okay. And there were no other concerns that you had heard through her
18 or people in her office with the level of --

19 A Yeah. She was concerned about outside military. She was concerned
20 about if the Active Duty military would come in. And she was concerned about National
21 Guard from other -- other States.

22 Q Okay.

23 [REDACTED] Perfect. Thank you.

24 [REDACTED] All right. So, sir, let me thank you for indulging me in going
25 through the first three buckets. I think it's important, because it provides background

1 and context for what we're going to talk about next, which is, you know, specifically
2 January 6th.

3 We've been going for about an hour and a half, so this seems like maybe a logical
4 place to take a 5, 10-minute break. So why don't we break for about 5, 10 minutes.
5 And then --

6 General Walker. Okay.

7 [REDACTED] -- when we come back, we'll focus on the 6th specifically.

8 General Walker. Sounds good. And I regret the confusion about the --

9 [REDACTED] No, no. I -- it's fine. So that's what this is for, so we can
10 understand. So I appreciate it.

11 [REDACTED] Are we off the record?

12 The Reporter. Yes.

13 [Recess.]

14 BY [REDACTED]

15 Q General Walker, thanks for your time again, sir. And, again, thanks for the
16 background. I think it's really helpful for us to talk about January 6th.

17 So I want to start, actually, before the 6th, back up to the December 31st,
18 where -- I think is where the story kind of begins. And I'm -- from your perspective. So
19 tell me what happens on or about December 31st of 2020.

20 A Sure. Let me make sure that was a Friday.

21 Q I have that -- so that was a Thursday.

22 A It's a Thursday.

23 Q It was New Year's Eve actually.

24 [REDACTED] As the 31st always is.

25 [REDACTED] Thank you, young Jedi.

1 [REDACTED] Good point. Good point.

2 General Walker. So December 31st, I received correspondence, I'm pretty sure,
3 from HSEMA, Dr. Rodriguez, and from the Mayor.

4 BY [REDACTED]

5 Q And is that the request for assistance?

6 A Is that here?

7 Q Yeah. So I think if you look at -- let me get to the table of contents. No,
8 that's not it. Because there are several requests. Just give me a minute.

9 [REDACTED] The 15th.

10 [REDACTED] Thank you. No.

11 [REDACTED] Yeah, 15th.

12 BY [REDACTED]

13 Q Yes, sir. So let's, in your book, flip to exhibit 15.

14 A Uh-huh.

15 Q Is this the letter you were referencing?

16 A Yes.

17 Q Okay. And is this a typical type of request that would come in from the
18 Mayor, like in this form where they spell out sort of, you know, what they want and what
19 they need from you all?

20 A Yes.

21 Q Okay. So then what happens after you get this letter from the Mayor?

22 A The mission analysis is -- so there's another letter that comes from -- I don't
23 know if you have that letter, but the letter from Dr. Rodriguez.

24 Q Let's see. So even if the Mayor sends a letter, the -- Dr. Rodriguez is going
25 to send a separate letter?

1 A Yes.

2 Q Okay. I think --

3 A So on 14 is Dr. Rodriguez' letter --

4 Q Okay.

5 A -- which is also dated December 31st.

6 Q And so they came at the same time?

7 A Uh-huh.

8 Q Okay. And that's -- again, that's -- is that typical, the Mayor --

9 A When the Mayor sends it, she's reinforcing that, you know -- I mean,
10 Dr. Rodriguez is enough.

11 Q Uh-huh.

12 A But when she sends it, then she's letting me really know --

13 Q Letting you know that that's -- she's serious?

14 A Like for COVID, she wanted initial call.

15 Q And is it typical for the Mayor to send a follow-on letter to -- after
16 Dr. Rodriguez sends a letter, or is that sort of unique to the circumstance?

17 A Well, I can get one from her first or Dr. Rodriguez first. It's not really --

18 Q Okay.

19 A Yeah. It's just -- it's the Mayor. So when I talk to the Secretary, saying,
20 Mayor as well. Just it puts more emphasis on it.

21 Q Okay. And so you get both of these letters, and then I think you said you
22 start putting together the mission analysis?

23 A Uh-huh. That's a yes.

24 Q Do -- earlier in our conversation, when you were walking me through how
25 the -- sort of this process works in a vacuum, one of the things you said that you did was

1 you would contact the Secretary of the Army to say, Hey, we've got this request, and this
2 is what they want us to do.

3 Did that --

4 A Uh-huh.

5 Q -- happen in this --

6 A Yes. I called.

7 Q And was that before or after you started pulling together the mission
8 analysis?

9 A First thing I did was call -- I called Colonel -- what was his name? Just saw
10 him too. Ebbert. I called Colonel [REDACTED] Hey, this is what's been asked of us. I'm
11 getting ready to send it to you.

12 Then I called the lawyers so they could start working it. Notified the Army's
13 lawyers. Then I called the Secretary.

14 Q And, sir, who is Colonel [REDACTED]?

15 A He was the three. He was the operations guy. He put all the plans and
16 everything together.

17 Q And is Colonel [REDACTED] part of the D.C. National Guard?

18 A Yes, he is.

19 Q Okay. So the request comes in.

20 A I notified General Dean, General Ryan, Colonel [REDACTED].

21 Q Okay. So they have situational awareness --

22 A Uh-huh.

23 Q -- of what's going on?

24 A Just, yeah, we've been asked to do this.

25 Q Okay.

1 A I need you to start leaning forward, get it ready.

2 Q And then you start putting together your plan?

3 A Uh-huh.

4 Q Okay. Give me a second.

5 So if I can have you, sir, flip to exhibit No. 16 in your book.

6 A Uh-huh.

7 Q This is a letter from you to the Secretary of the Army. So is this that
8 coordination piece we were just discussing?

9 A Yes.

10 Q And it looks like the mission analysis would have -- was part of this ultimate
11 package that was sent up to --

12 A Enclosure 3 would be -- the bottom --

13 Q That had been your mission analysis part?

14 A Uh-huh.

15 Q Okay.

16 A And then the rules of use of force. And then right next to that is rehearsal
17 of concept.

18 Q Okay. Oh, that's what ROC stands for --

19 A Uh-huh.

20 Q -- rehearsal of concept?

21 Okay. So now let me ask you to flip to exhibit 23.

22 A Okay.

23 Q This looks like it's from a colonel whose name is redacted. I'm wondering if
24 that's Colonel [REDACTED]?

25 A Yeah. That's Colonel -- yes, that's Colonel [REDACTED]

1 Q Okay. And so this is -- looks like Colonel [REDACTED] is providing you with
2 information. Is this to inform the mission analysis? I guess I'm trying to figure out
3 what the purpose of this letter to you was.

4 A This is the mission analysis.

5 Q Oh, this is --

6 A This is going --

7 Q Okay.

8 A -- with the package to the Secretary of the Army.

9 Q Okay. Okay. So now -- so from your perspective, sir, what did you
10 understand the request from the Mayor and from Dr. Rodriguez to be? What is it
11 exactly that they wanted you -- they wanted the D.C. National Guard to do?

12 A To support the Metropolitan Police Department at traffic control points so
13 they could have more police officers to do police functions, and to ensure that at the
14 Metro stops, the -- they weren't overcrowded, so nobody fell into the path of an
15 oncoming train. So it's crowd management.

16 Q Crowd management. And it sounds like traffic control, kind of different
17 from what the summer of 2020 -- the function you all served at their request in the
18 summer of 2020?

19 A Yes. But we routinely do the traffic control points for the city. We
20 routinely do the Metro stops.

21 Q So this wasn't anything -- this was basically within your bailiwick? You guys
22 know how to do this --

23 A We do it during the inaugurations, especially with the Metro stops, so
24 they're not overcrowded. We'll hold the traffic up -- the pedestrian traffic. Too many
25 people down in the subway, you have to wait.

1 Q Now, did -- when the Mayor requested -- when the Mayor and Dr. Rodriguez
2 made their request of you, were they specific about what they didn't want? In other
3 words, what they didn't want you to do, what they didn't want you to wear, what they
4 didn't want you to have?

5 A Well, they don't talk about what we can wear. I mean, I don't think that
6 was in the response. You saw what --

7 Q So like if we refer back to exhibit No. 14, about the very last paragraph on
8 the page that begins DCNG, second sentence says: In addition, it is requested that
9 DCNG members be equipped with visibility vests and lighted traffic wands to assist with
10 this mission?

11 A This is 14?

12 Q Yes, sir.

13 A From the Mayor?

14 Q This would be the letter from, I think, Dr. Rodriguez, sir.

15 A Yeah. Visibility vests --

16 Q Yeah.

17 A -- the lighted traffic wands. Yeah. I mean, we -- we have those vests.

18 Q We have those vests?

19 A Yeah.

20 Q And then if you flip to the second page of that, sir --

21 A Uh-huh.

22 Q -- the very last paragraph reads: No DCNG personnel will be armed during
23 this mission. At no time will DCNG personnel or assets be engaged in domestic
24 surveillance, searches, or seizures of U.S. persons.

25 Is that something that would normally accompany a request?

1 A Not necessarily.

2 Q Okay. So did that strike you as unusual at all when you saw it?

3 A It didn't concern me.

4 Q Okay. But it doesn't sound like it's something that would normally be in --

5 A No.

6 Q -- this kind of request?

7 A No.

8 Q But it didn't concern you?

9 A Not at all.

10 Q Okay. So you get the request. The mission analysis is done. So it
11 sounds like that's --

12 A I mean, for us to be armed, that takes a whole -- that's another whole path
13 for the D.C. Guard to be armed. So, you know, we're rarely, rarely armed.

14 Q Okay. The response to civil disturbance, does that ever involve being
15 armed, or just with sort of the civil disturbance gear that is normally provided?

16 A We normally have -- since I took over, we have the black vests --

17 Q Uh-huh.

18 A -- that clearly say D.C. National Guard. We did not have that prior to 2017.

19 Q Uh-huh.

20 A Big flag that says District of Columbia on the front of the vests.

21 Q Uh-huh.

22 A But to be armed, it -- that's a big deal. It doesn't normally happen.

23 Q So it sounds like in a normal response to civil disturbance, it would be highly
24 unusual for D.C. National Guard personnel to be armed?

25 A Right.

1 Q Okay.

2 A Now, during the summer, there was select personnel armed. General Ryan
3 was probably armed. General -- he's now a general -- General -- his name escapes me.
4 But there was some people armed, but just a handful. Nobody out there with the crowd
5 was armed, because you can't -- you can't -- you can't negotiate the shield, the baton, and
6 a weapon.

7 Q Understood.

8 A So you're not going to be armed.

9 Q And so, once you get the mission analysis back from Colonel [REDACTED], what
10 are your next steps?

11 A Package it and send it to the Secretary.

12 Q To the Secretary of the Army?

13 A Uh-huh.

14 Q Okay. And that happened in this case?

15 A Yes.

16 Q And what, if anything, did the Secretary of the Army do in response to you
17 sending up the mission analysis?

18 A Well, there was this pushback because they didn't want to do it.

19 Q So talk to me about that. Why do you say there was a pushback, and what
20 makes you think they didn't want to do it?

21 A Well, he told me --

22 Q Okay.

23 A -- you know.

24 Q When did he tell you?

25 A When I called him. He said -- first he said, We're not doing it. We're not

1 doing it.

2 And I said, Well, sir, I think you should look at it.

3 And then he told me, Well, we'll talk about it, but we don't really want to do this,
4 because the look it would give, the military out there interfering.

5 So I said, Well, sir, I'll send it to you, and I -- and the lawyers had already sent it to
6 him. And then that's where we had -- we spent the whole day going back and forth
7 about the traffic control points and how close they could be to the Capitol. So we had
8 to be far enough away from the Capitol.

9 Q So let's unpack that a little. So --

10 A Uh-huh.

11 Q -- on the 31st is when you get the request from the Mayor and from
12 Dr. Rodriguez.

13 A Uh-huh.

14 Q Is it also that same day that you package it up and send it to -- for the
15 mission analysis, or did that happen afterwards?

16 A We -- probably that Monday, we start crunching it hard.

17 Q Okay. Okay. So -- so Thursday would have been New Year's Eve. Friday
18 would have been New Year's Day.

19 A And we worked New Year's Day going back and forth with the -- where the
20 position of every single guardsman and how close they were to the Capitol.

21 Q Okay. So this conversation where you describe there was the initial
22 pushback and they didn't want to do it, when did -- do you remember, did that happen on
23 that Thursday, that Friday, that Saturday, to the best of your recollection, if you recall?

24 A I believe I called him instantly when I got the letters.

25 Q Okay. So you get the letters, and as part of, you know, your preparing, you

1 call the Secretary of the Army and say --

2 A To let him know, Hey, this is coming.

3 Q -- this is what we've got and it's coming. And is it there that the Secretary
4 of the Army says, I don't want to do it or we don't want to do it?

5 A Words to that effect. I don't think we're going to do it. We're not doing
6 this. And then he -- and I keep talking to him. He says, Well, we'll discuss it on
7 Monday.

8 Q Okay.

9 A But we spent -- the staff, we spent -- we talked to him on Monday, but he
10 had his staff contact me, and we went back and forth, sending emails back and forth
11 about -- with what it would look like, where the traffic control points were, and then how
12 close they were to the Capitol.

13 Q Uh-huh.

14 A Do you have those emails?

1 [4:11 p.m.]

2

3 Q I believe I do. I have a -- yeah. I do. So, if you flip to exhibit 9, for
4 example --

5 A Uh-huh.

6 Q -- there's an email from you to General Piatt, Ryan McCarthy, the chief of the
7 National Guard Bureau, and it says: Sir, reference our conversation yesterday per my
8 email today. The attached MPD map depicts tentative traffic control points that would
9 be augmented if you approve the request for support below at the projected locations by
10 Metro station and street.

11 And that -- this looks like it was Friday night, so that would have been --

12 A Uh-huh.

13 Q So this is what you referred to --

14 A Yeah.

15 Q -- when you said you were having this back and forth?

16 A And you see here I copied for his awareness the four star for the National
17 Guard Bureau.

18 Q Yes, sir. Yes, sir.

19 A And others -- and others that he asked me to copy.

20 Q And does that exchange over the weekend with the Secretary of the Army
21 regarding sort of where people are going to be, does that inform the mission analysis, or
22 was the mission analysis being run concurrently with that? Had it been done first -- I'm
23 just trying to sort of understand where in the process -- or probably a better question is
24 how, if at all, that exchange that you were having impacted the mission analysis is
25 probably a better way to ask the question.

1 A Sure. So the number of soldiers and airmen is up to me to offer to the
2 Secretary of the Army: This is what I think we need to safely execute the mission. The
3 mission analysis, and I don't know if that's in here, but on my own, I increased the
4 number of guardsmen to do the mission. And I forget what number, but I remember
5 the letter that I sent over was more than we initially discussed. And I just said: You
6 know what? There's too much going on. I don't feel safe. I want additional soldiers
7 and airmen out there.

8 Q So the original number of folks that are -- that you ultimately decide should
9 be augmented --

10 A Uh-huh.

11 Q -- is that informed by the requests from the mayor and from Dr. Rodriguez?
12 I guess that initial number, like, how does -- how did we come to land on when we think
13 initially, it should be X, and then later you say, no, I think it should be Y; how did we
14 determine it was X?

15 A My instincts, my judgment.

16 Q Okay.

17 A My interpretation of what is going on.

18 Q So initially you think X and then --

19 A Well, initially -- so I'm told this is -- sir, this is what we -- we can do it with
20 this number --

21 Q Got it.

22 A -- and I believe it was 200 something.

23 Q Okay.

24 A It was a lower number than we ended up initially, and I started to even go
25 even higher than that.

1 Q Okay.

2 A But there was a lot of things weighing on why we -- why the people who
3 support me didn't want to tax the soldiers and airmen.

4 Q Okay.

5 A And so we had COVID. We had the summer, and these men and women
6 have jobs --

7 Q Uh-huh.

8 A -- that they have to go to. So some of it was that, saying: Hey, I think we
9 can do it with a smaller number of soldiers and airmen. We can't keep going to the well.
10 So I said: Now, we have to be safe. We're going to -- I want to have more soldiers,
11 more airmen.

12 Q Okay. So you look at the request initially, and you think X number. You
13 talk to other folks on your staff that inform you. You start thinking about the impact of
14 other things on that same group of people that have happened already. You also think
15 about what's necessary to make sure things are safe, and you come to an independent
16 decision that, hey, it should actually be higher than what you originally thought?

17 A I'm looking at November and December.

18 Q Uh-huh.

19 A The civil unrest in November, the civil unrest in December, and everything
20 I'm reading in the papers. So I -- I'm an intelligence officer, so I -- to me, the intelligence
21 was there that this was going to be a big deal, so --

22 Q And that's what informed your decision?

23 A That's exactly what did it.

24 Q Copy.

25 So, going back to the exchange between you and the Secretary of the Army over

1 that weekend --

2 A Uh-huh.

3 Q -- when we talked earlier in our conversation when we were sort of looking
4 at the process in a vacuum, you explained how, you know, you send the request up to Sec
5 Army for approval. How -- was the Secretary of the Army's involvement at that time
6 regarding what was going to happen normal? Was it unusual for him to be that
7 involved? I'm just trying to get a sense -- I guess, really another way to ask the question,
8 and I'm sorry I keep rephrasing the questions, but I think of a better way to ask it later.

9 A Sure.

10 Q But is it typical for the Secretary of the Army to weigh in at that operational
11 level about how the D.C. National Guard mission is to be accomplished?

12 A So that -- this -- so I was with the Secretary for the summer and then this
13 event, so I don't know if there's enough interaction to say what's typical.

14 Q Okay.

15 A It is ultimately his decision to make.

16 Q I see.

17 A So I'll give him the latitude to -- you know, until he feels comfortable and he
18 gives the thumbs up. So we had the summer, and, you know, I think this was different
19 than the summer --

20 Q Right.

21 A -- in many ways, and it was the same as the summer in many ways. It was
22 civil unrest. It was civil disturbance.

23 Q Did you -- were you concerned at all by his level of -- his initial pushback and
24 his sort of level of wanting to be involved? Did that concern you, or was it the case you
25 were, like, well, like you just said, let me give him the latitude, you know; this might be

1 different? Like, how did you feel about that?

2 A Well, initially I felt I must have caught him at a bad time, you know, because,
3 actually, the more I think about it, I remember calling and not getting an answer. So I
4 called General Piatt, and then he called me back --

5 Q Uh-huh.

6 A -- is my recollection. General Piatt called him. Lieutenant General Piatt
7 called him, and I explained to General Piatt: Hey, this is -- got these requests. Will you
8 let -- will you have the Secretary call me. And then I remember the Secretary calling me.

9 Q Okay. And then you say that the decision was made that you all would talk
10 about it on Monday?

11 A Uh-huh. But work through it, work the plan.

12 Q Right. So you don't stop working. So you're still -- you're working as if it's
13 going to --

14 A We're working January -- we're working January 1st.

15 Q New Year's Day --

16 A The holiday.

17 Q -- the weekend. Right, right.

18 A Yeah. We're working.

19 Q So that you can -- so you can be ready, not get ready?

20 A Right.

21 Q All right.

22 A Yeah.

23 Q So -- but understanding that sort of a final determination about whether
24 we're going to say yes or no is still forthcoming --

25 A Uh-huh.

1 Q -- based on a subsequent conversation that's going to happen on Monday?

2 A Yeah, and my emails: Sir, if you approve this --

3 Q This is what we're going to do.

4 A Yes.

5 Q This is the plan. So what happened on that Monday? Did you end up
6 talking to him or someone from his office about what was going to happen?

7 A Yeah. I did talk to him, and we came to an agreement that, you know, he
8 was going to approve this, but we had to be so many feet away from -- we couldn't be
9 close to the Secretary. And I remember -- and General Piatt was a lot more involved,
10 and we had -- we couldn't be but so many feet -- if we were going to move from one
11 traffic control point to another, I had to get permission from General Piatt.

12 Q Okay.

13 A So, for example, the police asked the soldiers at one traffic control point, can
14 you move, like, a block? They called me. I called General Piatt, and eventually we
15 moved, but it --- nothing like that had ever happened before, that kind of direct oversight.

16 Q That kind of granularity?

17 A Moving a block over, one city block.

18 Q Okay. So, for example, compared to, like, the summer, you didn't have to
19 sort of do that in order to move trucks or Humvees --

20 A No.

21 Q -- or assets?

22 A If the police asked us to move, we moved.

23 Q But in this case, if you had to move a block, it was --

24 A We had to show where the Capitol was. So this is -- I don't know if you
25 have one of the actual work products that show where each traffic control point was and

1 then how close that was to the Capitol.

2 Q And if I'm understanding you correctly, sir, you're saying there was a level of
3 granularity and management about where folks could move that wasn't -- that was not
4 typical for that kind of scenario?

5 A Typically, we would support the Metropolitan Police and be aligned and
6 arrayed where they wanted us to be. The oversight that we received on the 5th and 6th
7 didn't give the police the ability to move us as they saw. They had to ask us, we had to
8 ask the Secretary of the Army, and then they would look at it on the map and then say,
9 "Okay, yeah, you can move," or "No, you can't."

10 Q Okay. Let me ask you to take a look at exhibit No. 5, sir.

11 A Okay.

12 Q Excuse me.

13 A Uh-huh.

14 Q So this looks like a letter from Secretary McCarthy to you responding to your
15 recommendation to approve the request --

16 A Uh-huh.

17 Q -- of the mayor and Dr. Rodriguez. So the oversight that you were just
18 talking about, is this what you're referring to where they would -- where it was -- it lays
19 out sort of who's going to do what, where they're going to be? It looks like, you know,
20 total number of traffic control points, the quick reaction force. It lays out some
21 prohibitions. It says they're not going to be issued weapons, ammunition, or bayonets
22 unless --

23 A Where are you at?

24 Q I'm sorry. So if you -- if we flip to exhibit No. 5 --

25 A Uh-huh.

1 Q -- on the very first page. Towards the bottom, right, it says: Your mission
2 analysis determined that the D.C. NG could provide all of the requested support. I
3 approve the D.C. NG to support the MDP with 340 total personnel.

4 A Uh-huh. Yes.

5 Q Then it goes on to say: D.C. NG disposition will include traffic control
6 points, 90 personnel; Metro station support, 24 personnel.

7 A Right. Yes.

8 Q And, if we flip over: The CST support of 20 personnel; a quick reaction
9 support of 4 -- 40 personnel stationed at Joint Base Andrews; and then an internal CTU in
10 support of 52 personnel. And I want to go through what each of those means in a
11 second --

12 A Sure.

13 Q -- or ask you what they mean in a second. But it then goes on to say: D.C.
14 NG are not authorized to perform any additional tasks or duties not authorized in this
15 memorandum in addition without my personal authorization. The D.C. NG is not
16 authorized the following: To be issued weapons, ammunition, bayonets, and batons.
17 And then it goes through A through H, sort of different things that they can't do without
18 personal authorization of the Secretary. So C says employ riot control agents. D says
19 share equipment with law enforcement agencies.

20 And I guess my question is, that portion of this memo, is that something that
21 typically shows up in these kinds of memos back to you? In other words, is it typical for
22 the approval to say you're approved to do X, but you need my permission to do A through
23 H?

24 A No. He has the latitude to put constraints on it, so it -- when we brief this,
25 we say it comes with constraints; it can come with restraints, and he can change it all

1 together. So what was unusual here was that -- to withholding approval of a quick
2 reaction force. So, normally, that would -- so a quick reaction force, something's
3 happening; do I have time to find you and call you and ask you?

4 Q So let's talk about --

5 A Or do I need to get the quick reaction force into the situation?

6 Q So I know in my brain, probably from watching too much TV and movies,
7 what I think a quick reaction force is, but what is --

8 A Why the first word is "quick."

9 Q What is a quick reaction force, and what's their general purpose? Like,
10 what is -- what are they supposed to do?

11 A To support, to back up, to augment those in a situation where they're either
12 overrun, overwhelmed, or both, and they need some immediate support, and that's that
13 quick reaction force. If it gets there in time, it can stabilize and buffer whatever's going
14 on.

15 Q And, in a case like this where the request is for traffic control and Metro
16 station management, is it normal to also have a quick reaction force associated with that
17 sort of mission set?

18 A So the way I've always operated, I have a quick reaction force for anything
19 we're doing.

20 Q Okay.

21 A If we're handing out ice cream, I'm going to have a quick reaction force
22 there. It's just in an abundance of caution. So I'm already watching what's going on.
23 I saw November. I saw December.

24 Q Uh-huh.

25 A And I thought it prudent -- I thought it would be prudent to have a quick

1 reaction force because, quite frankly, that number that we had out there, I thought that
2 was the bare minimum number.

3 Q That 340?

4 A The 340. I really wanted to go higher. So the quick reaction force, I felt
5 like if they -- if we had a problem, the quick reaction force could get there and help out.
6 So I moved -- we'll come to this later, but I actually on my own moved the quick reaction
7 force from Andrews Air Force Base to the Armory.

8 Q To the Armory.

9 A Once I could see that the Capitol was under attack, Chief Sund called me. I
10 called and said: Move the quick reaction force to the Armory.

11 Q Okay. And we are going to get to that --

12 A Okay.

13 Q -- section of the story in a second. I just want to make sure I'm
14 understanding all the pieces.

15 So, in a -- in the mission set where the goal is the traffic control --

16 A Uh-huh.

17 Q -- if the quick reaction force were needed --

18 A Uh-huh.

19 Q -- would it be to perform that same function, or is the quick reaction force
20 there where something goes left or right unexpectedly, and then we send in the quick
21 reaction force?

22 A That's exactly right.

23 Q Okay.

24 A Unexpectedly, you have a spontaneous unrest. Spontaneous unrest.

25 Q Okay.

1 A I asked you to move from this traffic control point, and something happens
2 unexpected, and then it becomes a confrontation.

3 Q So if I -- if I'm understanding what you're saying, the quick reaction force is
4 there to provide that quick support in the event of some spontaneous event like civil
5 unrest, no matter what the original mission set is of the D.C. National Guard?

6 A It's over watch of the troops that are out there.

7 Q Got it.

8 A It's the 911 for those soldiers and airmen out there. This was an Air Force
9 unit, but they're -- they have that mission. They know what they're doing.

10 Q And earlier you said, and I want to come back to this, that you thought it was
11 unusual that the Secretary would withhold approval of the quick reaction force. And I
12 guess I'm -- I want to talk to through that as well because if you go back to exhibit No. 5
13 on page 1, at the very bottom, it says: I approve the D.C. National Guard to support
14 MPD. And then it goes on to say: D.C. NG disposition will include. And then, when
15 you flip to page 2, it says: Quick reaction support, 40 staged at Joint Base Andrews.
16 And then, on page 3 --

17 A I approve. Yeah.

18 Q Right.

19 A Your mission analysis determined -- is that what you're talking about, sir?

20 Q Yes. So if we -- I'm sorry if I'm going too fast. So, if we go -- if we start on
21 the very first page --

22 A Right.

23 Q -- at the bottom, the Secretary says that he approves D.C. NG support, and
24 then he goes on to say that the National Guard disposition will include --

25 A Will include, right.

1 Q And then among the things that are included, when you go to page, 2 under
2 D, it says quick reaction support, 40 personnel staged at Joint Base Andrews.

3 A Right.

4 Q So it sounds like at that point in the memo, the quick reaction support is
5 authorized for 40 personnel staged at Joint Base Andrews. When we go to page 3 of
6 that same memo, and this, I think, is what you were alluding to --

7 A Uh-huh.

8 Q -- earlier. At the very top, it says: I withhold authority to approve
9 employment of the D.C. NG quick reaction force and will do so only as a last resort in
10 response to a request from the -- from the -- an appropriate civil authority. So --

11 A That is highly unusual.

12 Q Okay. And that's why I want to try and understand. So I guess my first
13 question is, before we talk about why it's unusual, is that -- and again, I'm not a National
14 Guard person, so maybe this is obvious to people who are sort of more in that world.
15 But on its face, it seems contradictory to me, right. On page 2, he says, "I'm authorizing
16 a quick reaction support," which I'm assuming is -- well, let me ask. Is a quick reaction
17 support the same thing as a quick reaction force, or is that something different?

18 A It's the same 40 people --

19 Q Okay.

20 A -- at Andrews Air Force Base. It's the quick reaction force.

21 Q Okay.

22 A Did [REDACTED] want to say something?

23 [REDACTED] No. That was just a meeting thing.

24 General Walker. Oh, okay.

25 [REDACTED] Sorry.

1 General Walker. So we're talking about that same quick reaction force.

2

BY [REDACTED]

3 Q So it's the same group of people?

4 A Uh-huh.

5 Q So, on page 2, the Secretary says: Authorize 40 people at Joint Base
6 Andrews. But then, on page 3, he says: I'm not going to approve their employment
7 unless we get a specific request -- unless it's a last resort, and it comes from an
8 appropriate civil authority. And you said that's highly unusual. I agree -- and on its
9 face, it seems contradictory. Help me understand why that's -- why you say that's highly
10 unusual.

11 A So I need a quick reaction force. I don't need a reaction force to get there
12 wherever you can. I need a quick reaction force. Things are unfolding rapidly, rapidly.
13 I need somebody here to help immediately; quick reaction force. Now, what this is
14 asking to do is -- it's already implied that it's a last resort.

15 Q Uh-huh.

16 A In response from an appropriate civil authority? That's what's -- I mean, so
17 as a two-star general, even my -- my colonels that were out there should be sophisticated
18 enough and experienced enough. Every general is a War College graduate. All the
19 generals in the D.C. Guard are combat veterans. I think we all should have the
20 know-how to know -- should -- the awareness to know that -- when we require a quick
21 reaction force.

22 Q Uh-huh.

23 A So -- and it goes further. A concept of operation prior to employing the
24 quick reaction force. That takes time. So I need a -- I need to write a concept of
25 operations for a quick reaction force? They're no longer quick. It's just a reaction

1 force.

2 Q Okay. So, before we talk about the concept of operations piece, it sounds
3 like, if I'm understanding you, for previous requests for help, it would be -- this would be
4 unusual for the Secretary to say: You can't do anything with your quick reaction force
5 essentially until I say so.

6 A Exactly.

7 Q Okay. And, when they say -- when the Secretary says, "from an
8 appropriate civil authority," your response is, well, all of us are trained war vets; we know
9 when to use a quick reaction force. What, in your mind, do you think -- what did you
10 take "appropriate civil authority" to mean? When I read it, I think one thing, but I guess
11 I'm curious. What did you think that meant?

12 A I made the operating assumption that he wanted somebody from either the
13 Metropolitan Police Department, the Homeland Security Emergency Management
14 Agency, the fire department, the District of Columbia, or the mayor.

15 Q Okay.

16 A We never got -- he never explained who that civil authority was.

17 Q Okay. And then you talked about -- it goes on, as you correctly point out,
18 that you would need a concept of operations specifically targeted to the quick reaction
19 force.

20 A Right.

21 Q And that was also unusual?

22 A Yes.

23 Q Okay. And unusual for the same reasons as it normally -- it affects it being
24 quick, and people already know what they're doing. There's sort of -- there's no real
25 need for a concept of operations. I guess, why is a concept of operations for the quick

1 reaction force unusual, in your mind?

2 A The concept is get to the point of need as quick as possible.

3 Q Uh-huh.

4 A Take direction from civil authority. Back up the guardsmen that are on
5 scene.

6 Q So -- and I appreciate that, sir. So what it -- it sounds like -- and I don't
7 want to put words in your mouth, but tell me if I'm -- if my understanding is correct. It
8 sounds like what you're saying is, at the level of use of something like the quick reaction
9 force, normally that is left to the people who actually have done it before, have the
10 expertise to do it. For the Secretary of Defense or the Secretary of the Army, rather, to
11 be that involved at that level is unusual?

12 A Unless he was out there with me like he was during the summer. So,
13 during the summer, he was right there.

14 Q Uh-huh.

15 A I mean, we were all -- you could google it. You can -- google images
16 summer, Ryan McCarthy, William Walker, [REDACTED], [REDACTED], and you'll see
17 us all together.

18 Q Okay.

19 A So, right then, you know, you say: Hey, Mr. Secretary, we need a quick
20 reaction force. Boom. And there's no time. That's -- instantaneous.

21 [REDACTED] Can I ask a question?

22 [REDACTED] Yes. Go ahead.

23 BY [REDACTED]

24 Q Was the QRF deployed during the summer?

25 A Yes. Well, it was there. We didn't have to deploy -- we had a quick

1 reaction force constantly. There's always a quick reaction force ready.

2 Q But was it available, or was it actually --

3 A It was available.

4 Q So it wasn't actually put into action --

5 A No.

6 Q -- during the summer?

7 A No.

8 [REDACTED] Let me go ahead for a second.

9 BY [REDACTED]

10 Q And, when we say "available," does that mean they were sort of --

11 A They were in The Armory.

12 Q In The Armory ready to go?

13 A Sitting in there, waiting.

14 Q They're waiting for the flag to go up --

15 A Uh-huh.

16 Q -- to say go forth verily and do what you need to do? Okay.

17 A And I would let the Secretary know. As things are stabilizing, the quick
18 reaction force would drawdown so I need the smaller, smaller quick reaction force. As I
19 had less soldiers and airmen on the street, I needed less -- less of a quick reaction force.

20 [REDACTED] [REDACTED] did you have some more questions?

21 [REDACTED] I wanted to zoom out, but I don't want to mess up your flow.

22 [REDACTED] You can zoom out. That's fine.

23 [REDACTED] No, that's fine.

24 [REDACTED] Are you sure?

25 [REDACTED] Yeah.

1

BY [REDACTED]

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Q So you get this letter from this -- from the Secretary of the Army. You notice these things that are different, that sort of stand out to you. I think you said earlier that he never really explained to you why he wanted it this way. Did anyone ever -- did you ever come to an understanding about why the authorization was stylized the way it was?

A There was a concern about being too close, military uniforms too close to the Capitol.

Q And how do -- how did you come to the understanding that that was the concern?

A Oh, it was said. It was said by -- you know, we were on conference calls. It was -- that was the concern is -- we went back and forth with slides to the Army. We had to highlight where the Metro stop was and then how close that was to the Capitol, where the traffic control point was and how close that was to the Capitol. We -- the Army did not want uniforms near the Capitol.

Q And that -- and that's -- is that the discussion that's happening back and forth over the weekend from the time that you get the written request up until Monday before you have the follow on discussion?

A Yeah, and that's what's driving the slides being changed and changed --

Q Uh-huh.

A -- and changed to the point where we had to put -- we had to really illuminate where the Metro stops were, where the traffic control points were, where the Capitol was.

Q And stealing [REDACTED] term, to zoom out a little bit, who was involved in those conversations over the weekend? So it would be -- you mentioned -- I think you

1 mentioned yourself, obviously. Who else? Who were you talking to? Were you
2 talking directly with Secretary McCarthy, with Piatt? Like, sort of who were the --

3 A This would have been General Piatt and his staff. So he -- Lieutenant
4 General Piatt directed the Army staff. So he had Brigadier General Neve (ph), Colonel
5 [REDACTED] some other lieutenant colonels, and we just went back and forth.

6 Q And Lieutenant General Piatt is the Army -- Director of Army Staff?

7 A Uh-huh.

8 Q Was it your understanding that sort of what you were communicating, he
9 was communicating back to the Secretary?

10 A Yes.

11 Q Okay.

12 [REDACTED] This is my zoom out question.

13 [REDACTED] Okay. Go ahead.

14 BY [REDACTED]

15 Q So I'm just wondering, General, this days -- these days leading up to the
16 January 4th memo and you're having these discussions. Is there also a discussion about
17 the greater context of what's going on with the -- with DOD at that time? In particular,
18 General Michael Flynn was reported in the press by saying that martial law should be put
19 into effect for the election, and there was calls for the Insurrection Act. There was a
20 couple of different kind of pressure points that DOD was reacting to which resulted in a
21 statement, I think, around December 18th that said that the left -- that there's no role for
22 the military in a Presidential election. You're aware of that conversation?

23 A I am.

24 Q How much do you think -- was that part of the discussions during those
25 days?

1 A Not verbatim, but you could see where the Army did not want to be
2 involved. And the Army Guard, that's where, to me, the vest came in. This was the
3 National Guard, not the Army.

4 Q I see. So, in your perception -- again, I don't want to put words in your
5 mouth, but the D.C. National Guard is tremendously different from Active Duty, which is
6 what kind of the press reports were about.

7 A Yeah. I believe the press to the Army were concerned about the Army
8 having a role --

9 Q I see.

10 A -- in, you know, the -- not the election but the --

11 Q The joint session.

12 [REDACTED] The certification.

13 General Walker. The certification of -- the certification. And the Army is
14 different from the Army National Guard, and that's what needed to be stressed, that the
15 Army is not out there. It's the Army National Guard, and that's why I thought the
16 District flag, National Guard was -- you know, let everybody know it's not the Army, per
17 se. It is the National Guard Army and Air.

18

BY [REDACTED]

19 Q And did you vocalize that as kind of a remedy for this perception issue, the
20 optics?

21 A So it wasn't -- feedback was not welcome. It was: This is what we're
22 going to -- you have to -- even if the Air Force, I don't know how much feedback
23 you -- you're allowed.

24 Q I guess my question is from purely a civilian perspective here --

25 A Uh-huh.

1 Q -- as someone who's not been in the military, can you understand how there
2 might not be a difference to someone like myself if you see D.C. National Guard versus
3 the Army?

4 A I would hope that you could appreciate the difference, that the National
5 Guard is handing out sandbags during storms; they're coming to help you during floods.
6 That's not the Active Duty Army. The Active Duty military fights and wins America's
7 wars. That's what the Active Duty does. And the National Guard is part of that, but it
8 is a -- the National Guard does both.

9 Q I see.

10 A Twice the --

11 Q I appreciate that context.

12

BY

13 Q Yeah. Just along the same lines, General Walker, I appreciate that. And I
14 understand that some of these questions are asking you to speculate or to read into the
15 intentions of some of the people with whom you're speaking. Nonetheless, I want to
16 ask you about your sense of what was motivating this. I understand that you were
17 hearing --

18 A Uh-huh.

19 Q -- we've got to be some distance from the Capitol. We don't want Army
20 troops near the Capitol. How much of that, in your view, was a response to criticism of
21 the military in terms of its action from the summer?

22 A I think they're totally separate.

23 Q Okay.

24 A Totally. I mean, completely separate. So you've got to understand --

25 Q Uh-huh.

1 A -- after the helicopter incident --

2 Q Yeah.

3 A -- that was George Floyd. And then, later, later that summer, the
4 monuments were being attacked.

5 Q Uh-huh.

6 A Do you remember that?

7 Q Yes.

8 A Who came out and supported that? The District of Columbia National
9 Guard in those same vests with the same city flag --

10 Q Uh-huh.

11 A -- D.C. National Guard across the back.

12 Q Uh-huh.

13 A No more monuments were destroyed. So we came out. We were
14 mobilized for that. We come out. We support the United States Capitol Police.
15 Nobody complained. Everybody was happy. No more monuments. Fourth of July.
16 We're supporting the city for the Fourth of July. Flawless. 57th anniversary of the
17 March on Washington, August. No problems. So I don't think it was -- had anything to
18 do -- the two helicopters are convenient. They're convenient. The two helicopters
19 that everybody would acknowledge got too close.

20 Q Uh-huh.

21 A And that was really a Lieutenant Colonel who was eventually punished
22 because he did something else wrong.

23 Q Yeah.

24 A People don't -- but he -- you know, the postman rings twice. He -- if you
25 can get your hands on a report, you'll see what happened, why those helicopters went

1 too low.

2 Q Yeah.

3 A But I think that's convenient for the Army to say or for anybody to say: Oh,
4 it was the summer, too heavy handed.

5 We weren't heavy handed. Two pilots flew a little bit too low. Actually, it was
6 really just one.

7 Q Yeah.

8 A The other one -- other one was up higher. So you have the monuments,
9 July 4th, August, everything was fine, and we were still doing the COVID mission.

10 Q Right. The criticism of the military writ large in the summer extended
11 beyond helicopters. It was -- and I'm not saying this is credible criticism, but there was
12 criticism that it was a very aggressive, heavy-handed military response to the exercise of
13 free speech. Was there any concern along those lines that this was a free speech event
14 that we were expecting at the Capitol, and we don't want to trigger that criticism that we,
15 the military, are aggressively stifling or reacting aggressively to free speech? Did you
16 ever hear anything along those lines?

17 A No. I didn't think that. I thought that what we were there to do would be
18 support the Metropolitan Police if they --

19 Q Yeah.

20 A -- needed our help. The Park Police who needed -- if they needed our
21 help --

22 Q Uh-huh.

23 A -- because that is shared. A lot of that area is shared with the Park Police.
24 And then, ultimately, if the Capitol Police needed our help, that we would just be in a
25 position to help --

1 Q Yeah.

2 A -- is -- was the prevailing thought of members of the District of Columbia
3 National Guard --

4 Q Yeah.

5 A -- because we do see ourselves as citizen soldiers.

6 Q Right.

7 A We do see ourselves as your neighbors that are going to come to your aid
8 and rescue when you need us.

9 Q Yeah.

10 A And then mentally shift gears and go fight America's wars.

11 Q Yeah. I'm getting the impression that you personally and, by extension, the
12 D.C. National Guard was more than ready, more than willing to provide an increased level
13 of support than the mission that you were given.

14 A Yes.

15 Q But you were -- because of the request from the D.C. government, because
16 of the resistance of some of the Army leadership, you weren't given that full mandate.
17 We're just trying to figure out why.

18 A I think the D.C. government request was the proper request --

19 Q Okay.

20 A -- you know, and it was -- the mayor just put that in there. We don't come
21 out armed, you know.

22 Q Uh-huh.

23 A It takes a whole different set of triggers for us to be armed.

24 Q Okay.

25 A Something really -- the D.C. Guard in its entirety, last time they were armed

1 was September 11th.

2 Q I see. So you didn't take the mayor's request to be a limitation on --

3 A No.

4 Q -- or reflecting a different attitude --

5 A We weren't going to be armed. I mean --

6 Q Yeah. Okay.

7 A -- if I'm holding that shield with two hands, pushing you back, and if I got to

8 put my arm through it and then take my baton to maybe make the message a little

9 stronger --

10 Q Yeah.

11 A -- which we didn't do. There's no pictures of us hitting people.

12 Q Right.

13 A We're pushing them back. We're pushing them back. Then I've got to

14 defend the weapon as well. No. I've got to be able to protect the weapon. No. It's

15 very, very difficult.

16 Q Yeah. The other possible reason for the change in January 6th versus the

17 summer is that there's new leadership at the Pentagon. Do you have any sense as to

18 whether an Acting Secretary of Defense who potentially had a different attitude,

19 approach to the appropriate use of the Guard in civil disturbance had any impact on the

20 planning or the restrictions that you've described?

21 A Not really.

22 Q Okay.

23 A I mean, Secretary Miller --

24 Q Yeah.

25 A -- served in the District of Columbia National Guard.

1 Q Yeah.

2 A And then he went on from there to join the regular Army --

3 Q Uh-huh.

4 A -- and go off and have a full Army career.

5 Q Okay.

6 A The prior Secretary of Defense --

7 Q Yeah.

8 A -- Secretary Esper --

9 Q Served in the D.C. National Guard.

10 A -- served in the D.C. National Guard. We both were in the same unit.

11 Q Yes. I see. But then the third possibility, it seems like the uniqueness of
12 the event, that, on January 6th, you're dealing with a very significant event with respect
13 to an election, the certification of electors that leads to the peaceful transfer of power.
14 That's a very different event than the Lafayette Square, even though they're both in
15 proximity to monuments --

16 A Uh-huh.

17 Q -- the connection of an election-related issue, was that, in your view, what
18 caused the sort of different approach from leadership because it was related to an
19 election?

20 A What I -- what my perception was, it was the optics of it. It was --

21 Q Okay. Tell us more about that.

22 A -- that they did not want to be involved in having military people anywhere
23 near that Capitol during the certification of the election.

24 Q Yeah. And the question that we keep coming back to is why? I don't have
25 a problem with having the optics of military personnel close to the White House in the

1 summer. Why is this any different than that? Why the hesitation to have military, the
2 optics of military personnel close to the Capitol, in your view?

3 A Yeah. Well, you know, I guess I prefer not to really think about it.

4 Q Well, I'm asking you to think about it, and I understand this is just your
5 perception. This is your opinion. But, as a person that has your experience as the
6 leader of the D.C. National Guard, I'm just curious as to what your opinion is as to what
7 motivated that difference.

8 A So when I think about it --

9 Q Yes.

10 A -- you know, to me, it was some interference. It was -- and by who, I don't
11 know.

12 Q Yeah.

13 A Yeah. But it was just so unusual.

14 Q Right.

15 A I mean, 39 years I've been wearing the cloth of the Nation --

16 Q Uh-huh.

17 A -- and a retired Federal agent, so I kind of -- maybe it's hope. Maybe I was
18 hoping that there was no interference --

19 Q Uh-huh.

20 A -- and I still don't know.

21 Q And the interference could -- again, I understand you don't know, but the
22 interference, if it existed, would be brought to bear on the Secretary of the Army. So
23 he -- somehow, his decisionmaking was --

24 A I thought he was being influenced.

25 Q Okay.

1 A I did feel like he was being influenced. By who, I don't know.

2 Q I see. Okay. Did he saying anything about others with whom he was
3 consulting --

4 A No.

5 Q -- or needing to get direction from others?

6 A He just became inaccessible.

7 Q Uh-huh.

8 A I had to go through -- so the Secretary was right next to me --

9 Q In the summer?

10 A -- in the summer. I mean, he --

11 Q Yeah.

12 A -- routinely came to my office. I routinely went to his office.

13 Q Yeah. And gave you the VOCOs and could immediately --

14 A Yeah. It was right there. Right there.

15 Q That didn't happen --

16 A No.

17 Q -- in December or January?

18 A We stood in front of the White House together.

19 Q Uh-huh.

20 A We stood -- I mean, we were right outside the church when it caught on fire.

21 Q Yeah.

22 A So, I mean, I've got the photos.

23 Q Yeah. I understand.

24 A So he was right there.

25 Q Okay.

1 A Now, for this, he's not there. I found a lot of things troubling.

2 Q Uh-huh.

3 A And, when General Piatt said that the Secretary of the Army was running
4 through the Pentagon looking for the Secretary of Defense, that -- that caused me some
5 concern. These are two men who are protected by the United States Army Criminal
6 Investigation Division. They -- where the Secretaries, either one of them are, is never a
7 doubt. People know where they are.

8 Q Yeah.

9 A So I didn't think he'd have to run through the Pentagon, and I believe that
10 was General Piatt's testimony, that the Secretary of the Army was running through the
11 Pentagon looking for the Secretary of Defense to get his approval.

12 Q I see. Yeah.

13 A And then later they said they had to put together a plan for me to execute --

14 Q Uh-huh.

15 A -- which I found kind of disturbing.

16 Q Uh-huh.

17 A You're coming up with a plan without me being involved in the plan?

18 Q Yeah. We're going to get into that.

19

BY [REDACTED]

20 Q Yeah. That was a -- that's actually a good segue. So I think -- I think at
21 least I have a more fulsome understanding of the picture from your perspective of what
22 happened prior to January 6th. Now let's talk about the day.

23 A It's uncomfortable. It's annoying me. I mean, it really -- that was a day I
24 was deeply disappointed in how the Army that I've served for a long time responded.

25 Q Uh-huh. So let's talk about the day of --

1 A Uh-huh.

2 Q -- and let's start in the morning. So --

3 [REDACTED] Before we do the day of because I don't want to mess you up --

4 [REDACTED] Okay.

5

BY [REDACTED]

6 Q Before January 6th, I know it's been reported. I think you testified before
7 the Senate that you had calls with Chief Sund from Capitol Police.

8 A Uh-huh. Yes.

9 Q Now -- and during those calls, there was a discussion of whether the D.C.
10 National Guard would be needed, but there wasn't an actual request by the Capitol
11 Police. Is that correct?

12 A That's correct.

13 Q Did you -- and you said a few minutes ago about your -- you saw what
14 happened in November, you saw what happened in December, and you were aware from
15 reading newspapers that there was -- you know, this could be a big deal. Did you
16 convey that to Chief Sund?

17 A Yes. We talked about it. Chief Sund told me that he was told that the
18 Secretary -- that the police board --

19 Q Right.

20 A -- didn't want to approve his requesting the National Guard in advance and
21 that they -- it was the word again, optics, of having the military on the Capitol. So
22 he -- so then he asked me, could I have -- could I lean forward and have as many
23 guardsmen available, and I think we came up with the number 250. So I told him yes, I
24 could do that using the COVID people. I would just remission the people that were on
25 duty for COVID support to the city and have them come out and support the Capitol.

1 That was my thinking when I talked to him, that we could do both.

2 Q But could you do anything without a request, a formal request?

3 A No, because I had to push the request up.

4 Q Got it.

5 A Now, what could have also happened, what I thought should have
6 happened, Chief Sund calls me. I immediately call General Piatt, push -- because I can't
7 get ahold to the Secretary. And it should have been VOCO.

8 Q You're talking about January 6th?

9 A January 6th.

10 Q Okay. I just wanted to talk pre-January 6th.

11 A Yeah. So we --

12 Q I'll turn it back over to [REDACTED]

13 A So I have a good credit score with everybody. I know Steve Sund.

14 [REDACTED] Yes.

15 General Walker. I've known him for quite a while. We talk. So -- and I was
16 disappointed that his hands were tied, at least according to him. He said he could not
17 formally request our support. You might have email traffic where he invites me to a
18 group discussion on the 4th of January where we had the Secret Service, the FBI, MPD.
19 There was Secret Service, FBI, somebody from DHS. We were all talking about what's
20 going to happen on the 6th.

21 Q If Chief Sund had requested the D.C. National Guard prior to the middle of
22 the attack as we're just going to walk through shortly, would that have made a difference
23 in the response time of the D.C. National Guard?

24 A Oh, yeah. I can't see -- well, if the Secretary of the Army would have
25 approved it --

1 Q Uh-huh.

2 A -- then we would have had dedicated guardsmen ready to go to the Capitol.

3 Q Okay.

4 [REDACTED] Sorry, [REDACTED]

5 [REDACTED] That's okay.

6 BY [REDACTED]

7 Q So that's a good segue into the 6th itself, right? So it sounds like -- and I'm
8 going to truncate a little bit because I want to be mindful of time, and we're already
9 bumping up against 5.

10 So, in the morning, it sounds like the -- let me ask you this: Is the traffic control
11 plan executed? In other words, are people where they're supposed to be, at their -- you
12 know, at their traffic control points, at the Metro stops on the morning of January 6th?

13 A Yes.

14 Q Okay. Earlier in our conversation, you mentioned that, as a baseline
15 foundational training, everyone is trained in civil disturbance. Did the folks that were
16 stationed for the traffic control, did they also have that same training?

17 A They had it, and they exercised it during the summer.

18 Q What about equipment? Did they have their civil disturbance equipment
19 nearby or with them?

20 A It was in the vehicles.

21 Q And what constitutes a civil disturbance kit? Like, what sort of standard
22 issue?

23 A So it's the breast plates, breast -- the breast pad, full helmet, shield, shin
24 guards, knee guards.

25 Q And when you say "shield," you mean face shield?

- 1 A Uh-huh. Face shield.
- 2 Q Okay. So not like the shield like --
- 3 A Oh, they had the shields, too.
- 4 Q Okay. So they had the shield, the external shield plus a face shield --
- 5 A Uh-huh.
- 6 Q -- the helmet, the breast plate, shin guards. You mentioned --
- 7 A Knee guards.
- 8 Q Knee guards. Sorry. Knee guards. Thank you.
- 9 And you mentioned -- we talked about earlier that they had --
- 10 A And most of them had the glasses because we were getting lased.
- 11 Q Oh. So to prevent --
- 12 A Uh-huh.
- 13 Q -- to help mitigate against being lased?
- 14 A These were all from the summer's after-action.
- 15 Q And they had traffic control wands already where -- and you mentioned
- 16 batons. Are batons part of the standard kit?
- 17 A For the civil disturbance, yes.
- 18 Q So they had those with them too?
- 19 A In the trunks.
- 20 Q Okay.
- 21 A In the vehicles.
- 22 Q In the vehicles. All right. So --
- 23 A What do we think, another 30 minutes? He's outside to pick me up. 30
- 24 more minutes?
- 25 Q Yes, sir. I think we can be wrapped up in the next 30 minutes, which will be

1 about 5:30.

2 So when did you first realize that the mission of the National Guard might have to
3 change on January 6th? What -- sort of explain to me how you got there.

4 A Watching CNN.

5 Q Uh-uh.

6 A Seeing the crowd grow and grow and grow. Actually, before that, out there
7 talking to the guardsmen. Look at all these people. This is massive. It's a lot more
8 people here. And then we hear about the explosion over by the Capitol Hill Club, then
9 another. Wow. These are distractions. This is to draw the police away. I mean,
10 anybody who's studied anything on these kind of tactics appreciates that. So now my
11 soldiers are even asking me, lieutenant colonels and colonels: Hey, sir, are we heading
12 to the Capitol? Don't know. Probably will. Start thinking about it.

13 Q Okay.

14 A Started -- now we're just -- we're all sitting there watching it. 1:49 is
15 when -- 1349, we get the call from Steve Sund, you know, demanding immediate
16 assistance.

17 Q Uh-huh.

18 A I immediately called General Piatt and said: Hey, this is what's going on,
19 and then eventually we get a conference call, and I just couldn't believe nobody was
20 saying: Hey, go.

21 Q Who was on the conference call, sir, if you can recall?

22 A So the initial conference -- the initial thing was a VTC with myself, my staff,
23 General Flynn, General Piatt. General McConville was in and out, and then a bunch of
24 people that I couldn't even see on the screen. It was a lot of folks. Subsequently, I get
25 a call from Dr. Rodriguez from HSEMA --

1 Q Uh-huh.

2 A -- Homeland Security Emergency Management Agency. He has on the call
3 with him the deputy mayor. He has -- Chief Contee either had dialed in to him, but he
4 was on -- I could hear him, and then we had Steve Sund, and Steve Sund either had on the
5 call with him or that person -- or he was -- the senior uniform division of the Secret
6 Service was on the call as well.

7 Q Uh-huh.

8 A There was a host of people on this call.

9 Q So one giant VTC.

10 A A giant VTC patched in by --

11 Q By other people --

12 A -- by other people calling in --

13 Q Right.

14 A -- and they were patching in.

15 Q So sort of other groups of people patched into the VTC? Okay.

16 A Everybody could hear everybody.

17 Q And this is at 149?

18 A No. By this time, it's 14 maybe 20, 1425.

19 Q Okay. So let me back up. So you get the request from Sund who says:

20 Come now, we need help.

21 A Every available guardsman.

22 Q Every available -- and then that leads to the 1429?

23 A Yeah.

24 Q Okay.

25 A Because the Secretary is not available. They're looking for him, you know.

1 Q Okay. So then what happens? And you started off your comments about
2 this section saying you were surprised that no one was saying go --

3 A Right.

4 Q -- right, because all hell's breaking loose, and you're, like: Why we
5 aren't -- why aren't we going?

6 A Yes.

7 Q Anything else about that conversation, that discussion, that seemed
8 unusual?

9 A I mean -- so, I mean, I remember asking him: Aren't you watching the
10 news? Can't you see what's going on? We need to get there. And cognizant of the
11 fact that I'm talking to senior --

12 Q Uh-huh.

13 A -- people, but I could see what was happening, so I was more than anxious,
14 as were the guardsmen that worked for me: Hey, what are we doing, sir? What are
15 we doing? I mean, they were just as anxious as I was to get over there and put an end
16 to this.

17 Q And --

18 A And we all believed, if we could have got there in time, we would have been
19 able to -- I can tell you what we did when we got there. We were pushing the crowd
20 back.

21 Q Right.

22 A Immediate impact upon arrival.

23 Q Right. So -- and I want to get to that in a second, but I want to make sure
24 I'm filling in the steps in between.

25 A Sure.

1 Q So you're on the call with all of these folks. And what, if anything, is
2 discussed, and sort of what is the resolution, if any, from that call? Like, what -- when
3 you read the call, what's your understanding about what's supposed to happen next and
4 why?

5 A So I'm on the call, and I'm thinking: You know, what's the delay? Why are
6 we delaying us getting there? Then they started talking about they didn't have the
7 authority, wouldn't be their best military advice or guidance to suggest to the Secretary
8 that we have uniformed presence at the Capitol.

9 Q And when you say "they," who is they?

10 A This is General Piatt, General Flynn.

11 Q Okay. So. Prior to this discussion, General Piatt and General Flynn are
12 saying things like: We're not sure if this is in the Army's best interests. We're not sure
13 if it's going to look good. Those kinds of comments?

14 A Yes. They were concerned about how it would look, the optics. At some
15 point, Chief Contee from the Metropolitan Police, he's -- he tells -- he comes on, and real
16 clear, he says: Chief Sund -- from the Capitol Police -- are you requesting immediate
17 National Guard support? Chief Sund says yes. Chief Contee says: Are you going to
18 authorize the National Guard to come and support? They say: It would not be
19 our -- we -- and he said: Are you saying yes or no. And they wouldn't say yes or no.
20 And then Chief Contee says: I'm going to call the mayor and ask her to have a press
21 conference saying that the Army is not going to allow the D.C. Guard to come and
22 support. I remember that very clearly.

23 Q Uh-huh.

24 A General Piatt says: Please don't do that. I don't have the authority to
25 authorize the National Guard to go. So please don't do that. Please don't hold the

1 press conference. And, at some point, Chief Contee gets off the phone.

2 Q Was there anyone on that call, sir, that had the authority to authorize that,
3 or did someone on the call have to go get someone else's permission to do it?

4 A If you were representing the Secretary of the Army --

5 Q Uh-huh.

6 A -- I believe you could. If the Secretary of the Army had said: Act on my
7 behalf.

8 Q Okay. So, if the Secretary of the Army had told -- was it Lieutenant General
9 Piatt?

10 A If he had told General McConville --

11 Q Or General Piatt?

12 A -- four star; or if he told General Flynn, three at that time; or General Piatt,
13 three at that time. And I believe there were Assistant Secretaries of the Army on the
14 call as well. I believe the Assistant Secretary of the Army for Manpower and Reserve
15 Affairs, Mr. Casey Wardynski, was on the phone.

16 Q Uh-huh.

17 A So you -- these things were popping up like that is right now.

18 Q Yeah.

19 A You could -- it was lot more people than that, so you could see a name, and
20 then it would disappear, and you would see -- but I -- I'm almost sure the Assistant
21 Secretary of the Army for Manpower and Reserve Affairs, so Reserve Affairs would -- we
22 would be in his portfolio. I believe he was on the call and others. I believe -- if you
23 track him down, he might be able to tell you who from his --

24 Q Uh-huh.

25 A -- section was on the phone, was on the call.

1 Q So what was the resolution of the call? So I understand that Contee gets
2 on and says: Okay. It sounds like you're not going to help, so I'm going to call the
3 mayor and tell her to have a press conference and say publicly you guys are refusing to
4 help.

5 And they say: Please don't do that. So what was -- what were the marching
6 orders? What was your understanding of next steps?

7 A We were just told to hold. And then -- and then I -- somebody told me that
8 the city went to Virginia and Maryland to ask them to send their National Guards, and I
9 remember somebody from the Virginia Guard told me: Hey, what's going on? We've
10 been asked to send people.

11 Q And when they -- you say you were told to hold, hold for what? What
12 were --

13 A Approval from the Secretary of the Army.

14 Q Approval for the Secretary -- from the Secretary of the Army?

15 A Who was -- who's supposedly going to get the approval from the Secretary
16 of Defense.

17 Q Okay. So then how long are you holding before you can do something?

18 A Three hours and 19 minutes.

19 Q Okay. And in that -- what's your understanding of what's happening in that
20 3 hours and 19 minutes? I'm just asking your personal opinion. What's your personal
21 understanding of what was happening in that 3 hours and 19 minutes?

22 A Delay.

23 Q Uh-huh.

24 A That's what I thought was. It was just a delay that somebody or
25 somebodies were willfully, deliberately delaying making the decision.

1

2 [5:09 p.m.]

3

BY [REDACTED]

4

Q And let me back you up to the call -- to that conference call where everyone was on. Earlier in our conversation, you talked about how, because of the level of experience with the people involved, you all can move very quickly in a civil disturbance response scenario.

8

9

Was that expressed on that call with those folks, that, hey, we have the capability to move and move now and take care of it now? Was that expressed during that call?

10

A No. They already knew that. They knew that --

11

Q Okay.

12

A -- from the summer. I mean, these are people who saw us operate instantly from that Friday night to be ready Saturday morning, and then execute Saturday evening, Sunday, Monday. So they knew what we were capable of.

15

Q And if they had said on that call -- play a hypothetical for a second, but I'm just trying to understand what your next steps would have been. If they had said on that call, General Walker, go, go now, what would you -- what would have -- what would you have done? What would have been your process?

19

A So all the vehicles that were on the traffic control points and the Metro stations, get back to the armory, put the equipment on, get on the buses, which I already had in the armory, get to the Capitol. So I don't have all these vehicles that I have to account for, buses, get -- get there, and I already saw Lieutenant Colonel, now Colonel

23

24

Q Uh-huh.

25

A On his own, he deployed to the Capitol, and he met with Jeff Carroll, who

1 runs their homeland security. So the two of them are talking. Carroll said -- Chief
2 Carroll says, Where is the National Guard? Where is everybody?

3 [REDACTED] says, I'm sure they're on the way. That's why I'm here, to have -- to show
4 where everybody needs to go.

5 [REDACTED] calls me, We're back on board.

6 I said, Don't have permission. Can't go.

7 And this -- I was so frustrated that Colonel [REDACTED] is the one who -- because I
8 was saying, Hey, you know what? You know, we're going to go, and I'm just going to
9 shoulder the responsibility.

10 And then he said, Hey, you could -- what if you get sued? What if you won't
11 have -- you know, he's a lawyer. I mean, he went to Harvard Law School.

12 Q He was in his lawyer stage, yeah.

13 A He was doing his lawyer thing. And -- but at one point, he was like -- he
14 was with me, like maybe as a lawyer, how can I -- how can he arrange it to make it, you
15 know, legally --

16 Q So you would have some protection?

17 A Some protection. And he said, Hey, sir, you can't do it.

18 So -- so we were ready. Everybody was leaning forward, leaning forward to get
19 there.

20 So [REDACTED] is there. He never leaves. He stays at the police
21 headquarters -- Capitol Police headquarters.

22 Q Uh-huh.

23 A And he and ranking Capitol police officers were ready to distribute the forces
24 once they got there, along with Chief Carroll from the Metropolitan Police Department.

25 Q So when you say earlier -- you said earlier that you were waiting for

1 approval, do you understand what -- I think -- what did you understand that to mean?

2 Like, what ultimately happened is it sounds like they put together a plan about who was
3 going to do what and where. Is that your understanding of what was happening?

4 A That's what they said.

5 Q Uh-huh.

6 A That they -- they asked me what was the casualty evacuation plan, and I
7 remember just shaking my head. I said, It's the same one we had in the summer when
8 we had multiple soldiers injured.

9 They were heaving these concrete slabs, and I had a soldier, concussion, went to
10 the hospital. We got him there. He got treated. He's back in the -- back on the
11 mission.

12 There's no -- it's not a FOB in Afghanistan. You didn't need a casualty evacuation
13 plan. So they -- if they came up with a plan, they never shared it with us. The plan was
14 executed just like we said it would be, get to the Capitol, take direction from the ranking
15 police officers there --

16 Q So --

17 A -- to help restore order.

18 Q So what you ultimately ended up doing is what you would have done
19 anyway --

20 A Precisely.

21 Q -- if I'm understanding you, right?

22 A Yes.

23 Q And you didn't need to wait for someone to tell you go do what you would
24 have normally done anyway?

25 A Should relieve me. Should fire me. If I need you to tell me how to

1 execute a civil disturbance mission, then -- something we do, something we rehearse,
2 we're ready for it. So the police were there. I know Jeff Carroll. We had the
3 inauguration in '13, the inauguration in '17. That inauguration, we -- there was -- I
4 forget how many arrests we helped effect. You can google it.

5 Q Uh-huh.

6 A But we know -- we know what we're doing when it comes to civil unrest and
7 civil disturbance. The plan was to get there, take direction from ranking Capitol police
8 officers. We say white shirts.

9 Q Uh-huh.

10 A Take direction, and --

11 Q And that's ultimately what they did?

12 A That's exactly what they did, uh-huh.

13 Q There's nothing that the Secretary of Defense through the Secretary of the
14 Army told you to do that you weren't already going to do?

15 A It -- I never got a plan from them. They claim they were putting a plan
16 together. That's what took so long. I never saw a plan from the Department of
17 Defense or the Department of the Army.

18 Q Even post-January 6, did you see the plan, quote/unquote? Did anyone
19 ever share it with you?

20 A I'd like to give them the benefit -- I'd like to think that they're -- you know,
21 that they would come up with a plan after the fact.

22 Q No, no.

23 A Yeah.

24 Q And I'm not suggesting that he came with -- I'm just --

25 A Oh, the plan that they did?

1 Q The one that they --

2 A No, they never shared the plan.

3 Q Just giving them the benefit of the doubt that it was done, if you actually saw
4 it later on?

5 A No, I never saw it. Nobody's seen it. Nobody's seen it.

6 Q So that you hang up the call, and then you're basically standing by --

7 A Standing by.

8 Q -- for 3.5 hours until -- and then --

9 A Yeah.

10 Q -- how do you get word, Okay, go, go now and move?

11 A 1708, the Chief of Staff of the Army says that we got a green light, we can
12 go, and then we leave immediately. We already had the soldiers on the buses. The
13 soldiers and airmen were already on the buses in the armory.

14 Q In the armory?

15 A Because the media was across the street wait -- they thought that we would
16 leave like we did in the summer, where we left out the back and came down and went
17 straight to the Capitol.

18 Q So during the 3.5 hours that you're waiting for the authorization, are folks
19 sort of getting in place so they can be ready to go, assuming you're going to get the
20 authorization, or are they basically still carrying out the same traffic control mission,
21 waiting for someone to tell them to do something different?

22 A Oh, no. I -- we had pulled back. I had pulled the people -- abandon the
23 traffic control points.

24 Q Okay.

25 A Get back to the armory.

1 Q So you had already told everybody, Get back to the armory?

2 A I had already moved the quick reaction force. I had moved them to the --

3 Q From Andrews --

4 A From Andrews Air Force Base to the armory. I had moved them -- 1,500, I
5 believe. You'll probably find it in here. Some place -- some point in time --

6 Q Around 3 o'clock?

7 A Yeah.

8 Q 3:04, something like that?

9 A I had told them, Hey, start heading this way, and it had a police escort for
10 them too to get right through traffic, come to the armory. And my thinking was they
11 would head straight to the Capitol. Still didn't have the approval, so they sat --

12 Q So everybody sat at the armory?

13 A Everybody sat at the armory.

14 Q Geared up, ready to go?

15 A Ready to go.

16 Q Including the quick reaction force?

17 A Including the quick reaction force, which was the first unit there.

18 Q Right. Because you sent them there at 3 o'clock?

19 A Uh-huh.

20 Q 3:04-ish?

21 A Right. I sent them from the --

22 Q From Andrews to --

23 A From Andrews Air Force Base --

24 Q Basically, you sent -- if I remember, you sent everybody to the armory?

25 A Yes.

1 Q So when you finally got the approval 3, 3.5 hours later, they could just get on
2 the buses and go?

3 A Take off, yes.

4 Q And did the quick reaction force deploy with them as well?

5 A Uh-huh.

6 Q Okay.

7 A Yes. Yes. That's a yes.

8 Q And --

9 A You know, I heard they said, well, we got -- we got to scout out the best
10 route. I heard that was part of their decision. You know, they were looking for what
11 the best route to get to the Capitol.

12 Really? I mean, you can -- you can jog. You can double time from the armory
13 to the Capitol.

14 Q So let me ask you this.

15 A That's running, double time.

16 Q What some -- we've learned from other witnesses is that DOD's explanation
17 is that, well, they were missioned for traffic control, and now they were going to do civil
18 disturbance, and they're -- you know, they're vastly different missions, and these are
19 young people, and we're concerned about people getting hurt, and that sort of thing, and
20 that's why we needed a plan. That's why the plan was there to, you know -- in large
21 measure, for safety of the people who were going to be involved.

22 How does that strike you, that explanation?

23 A Bizarre, especially when you think about the performance over the summer
24 that -- how long people had been in, where they come from. They're not like the Active
25 Duty, who are not from here. They move and they move and they move and they move.

1 You were Air Force. I'm sure you moved around.

2 Q Uh-huh.

3 A So these are citizen soldiers. They're from the community. They know
4 where the Capitol is, and they had the whole summer of civil unrest. Pretty much the
5 whole summer.

6 Q Right. Not just Lafayette Square, but, as you mentioned, the --

7 A The monuments.

8 Q The monuments, the --

9 A July 4th.

10 Q The July 4th. The 57th anniversary of Dr. Martin --

11 A Anniversary of Dr. King.

12 Q Dr. King. Followed -- so --

13 A COVID.

14 Q The totality of all those things --

15 A Although COVID wasn't civil unrest.

16 Q Right.

17 A But you're working together.

18 Q Right. So the totality of all of those things --

19 A Equals experience.

20 Q Equals experience. And when they say, Well, we need a plan, that's why
21 you find that bizarre, because you're like, we don't need a plan because we know how to
22 do this, and here is the proof that we know how to do this?

23 A Yeah. It's the same plan you use when you get up and drive to work in the
24 morning. That's the plan. Get to work. And we didn't need a plan, you know. You
25 might need a plan the first time, but we didn't need a plan. We didn't even have a plan

1 for, you know, the summer.

2 Q Uh-huh.

3 A June -- June 1st, there was no plan.

4 Q There was no plan?

5 A Yeah.

6 Q You just executed --

7 A We executed.

8 Q -- based on experience?

9 A The city came and told us what they wanted us to do and we did it. The
10 Park Police came and told us what they wanted us to do and we did it. That's -- it's just
11 that simple.

12 Q And last question before I open it up to [REDACTED] and [REDACTED]. What did the
13 folks do when they got there? What mission -- what, did they just protect the Capitol?
14 What function did they carry out when they got there?

15 A Well, start pushing the crowds back.

16 Q Okay. So they just --

17 A They got their -- so I saw them. I mean, they was soaking wet, and this was
18 January 6th. It was cold out. You know, they were in it. They were pushing the
19 crowds back with the Capitol Police and the Metropolitan Police Department. Jointly,
20 they were pushing the crowds back.

21 Q Okay.

22 A So they went -- they came in and went right to work. They went right to
23 work.

24 Q Understood, sir.

25 [REDACTED] I guess --

1 [REDACTED] [REDACTED] you go first.

2 [REDACTED] No, go ahead.

3 BY [REDACTED]

4 Q Couple things we heard from other witnesses is that they needed to be given
5 weapons, that they had to go to the armory to actually be assigned a weapon. It was a
6 process that includes a particular weapon assigned to a particular soldier. There's some
7 kind of card or paperwork.

8 Did that occur? Was that something that, in your view, was necessary? And, if
9 so, would that take some time?

10 A So I was out there.

11 Q Yeah.

12 A No guardsman had weapons.

13 Q So they never ultimately got weapons?

14 A No.

15 Q So when they ultimately went --

16 A Well -- well, we got weapons much, much later.

17 Q Okay. Right.

18 A You know, in preparation for the national special security event --

19 Q Uh-huh.

20 A -- yes. But January 6th, 7th, 8th, there was no weapons. You know,
21 but other guard units started coming in. They started bringing weapons, and
22 then -- then we had more people with weapons. But January 6th, no guardsmen
23 were -- had weapons, and I was out there.

24 Q I see. So the quick reaction force from Andrews?

25 A No weapons.

1 Q The traffic control officers?

2 A No weapons.

3 Q They went to the armory, but nothing happened at the armory in terms of --

4 A I wanted to consolidate. I didn't want force guardsmen rolling up in a
5 government vehicle, another four rolling up -- the ones leaving the --

6 Q Yeah.

7 A -- traffic control points and the Metro stations, get to the armory --

8 Q Uh-huh.

9 A -- get on the buses. That way I don't have to worry about all the vehicles.
10 You've got a mob out there.

11 Q Yeah.

12 A I don't want to -- damage to the government vehicles is safer than arriving in
13 the right numbers.

14 Q Yeah.

15 A Colonel [REDACTED], he jumps in with Chief Carroll from the Metropolitan Police
16 Department, and they arrived. they -- at some point, they get in the same vehicle.
17 They get in a police vehicle.

18 Q Yeah.

19 A But everybody else came there on buses or the SUVs.

20 Q Yeah. So did the guardsmen who went to the armory, were they given any
21 new piece --

22 A No.

23 Q -- of equipment?

24 A No, no, no.

25 Q They weren't given --

1 A They absolutely wouldn't have signed out weapons.

2 Q I see.

3 A And then -- you know how long that would have -- so the weapons and then
4 get the ammo?

5 Q Yeah.

6 A And then put that together.

7 Q Then that didn't happen?

8 A No.

9 Q Okay. Were they given any other new equipment beyond what you
10 described in the kit in response to [REDACTED] question?

11 A No.

12 Q So the same equipment -- no arms -- so they didn't receive anything new
13 when they --

14 A It was --

15 Q -- got to the armory?

16 A They already had it.

17 Q Right.

18 A They already had it.

19 Q Okay. And were they given any new training, briefing, instruction, anything
20 at all beyond what they had that morning?

21 A No. The rules of use of force would have still applied.

22 Q Uh-huh. So another -- just to summarize, they left their traffic control
23 posts or Andrews, got to the armory. They weren't given anything new -- no new
24 mission, no new orders, no new equipment -- and they waited for a while. And then
25 they got on the buses and, at 1508, were finally sent to the Capitol?

1 A 1708.

2 Q Excuse me. 1708. That's right. Yeah. But that's it? So --

3 A Yeah.

4 Q So nothing happened other than the waiting?

5 A No. No. They weren't going to be issued weapons.

6 Q Uh-huh.

7 A You know, the decision for weapons would have been mine, with the
8 approval of the Sec Army, and the -- so, later on, as we got closer, I did go to the
9 Secretary of the Army, and this was as we got closer to the inauguration. Then he did
10 approve them, the weapons.

11 Q Yeah. I see.

12 A But, no, there were no weapons out there on January -- the initial response,
13 as I think about it later -- but the initial people that rolled out, they did not have weapons.

14 Q Okay. And then in terms of what they ultimately did, they didn't go inside
15 the Capitol. Is that right? They created --

16 A We were outside.

17 Q You were outside.

18 A Uh-huh.

19 Q So the perimeter and the pushing back that you described, that occurred --

20 A Right.

21 Q -- on the grounds of the Capitol, not inside the building?

22 A Right.

23 Q Okay.

24 A Now, much later that night, there were guardsmen inside the building.

25 Q Okay. That was once --

1 A Much, much later.

2 Q That was once the building had been --

3 A Yes.

4 Q -- secured?

5 A Uh-huh.

6 Q Got it. Okay.

7 A Because we had people that didn't go home. They spent the night --

8 Q Right.

9 A -- on the buses. We warmed up on the buses out there.

10 Q They were encamped?

11 A Encamped.

12 Q Yeah.

13 A Yeah.

14 Q Okay.

15 [REDACTED] go ahead.

16 [REDACTED] I just wanted to --

17 General Walker. Somebody saw weapons out there?

18 [REDACTED] Just --

19 General Walker. Yeah.

20 [REDACTED] -- not sure whether they were present or not, but yes.

21 General Walker. Yeah, but there were no weapons.

22 [REDACTED] No weapons.

23 BY [REDACTED]

24 Q I just wanted to go back to that 2:30 call, and I think you said that

25 Secretary McCarthy and Secretary Miller were not on that call. It was just Piatt and

1 Flynn, as far as what you remember.

2 A McConville was off and on.

3 Q Okay.

4 A But General McConville was the one that said we -- eventually told me to go.

5 Q Got it. At 5:08?

6 A Yep. Yes.

7 Q And at 3:04, were you moving the folks all -- from the 154 folks with the 37
8 different traffic locations to the armory, how long did that take for them all to get to the
9 armory?

10 A I mean, it's not far. I mean, you --

11 Q I'm just --

12 A I don't know. I didn't -- I didn't really mark the speed, but, you know, they
13 came deliberately. Yeah. I think it might have been 15, 20 minutes.

14 Q And then are those the 154 people that were already out there or -- because
15 you were approved for 340 guardsmen, but I'm just curious where --

16 A So the second shift came in. They came, plus there's always soldiers at the
17 armory.

18 Q I see.

19 A Yeah. So then they had a lot of them gear up as well.

20 Q So the first kind of tranche of folks who go as a result of 5:08 call, how many
21 guardsmen?

22 A That would have been probably every -- and I don't have the exact number
23 off the top of my head right now.

24 Q Okay.

25 A Whatever is in writing, that would be the number. But we were just trying

1 to get as many there as possible --

2 Q But it was --

3 A -- as fast as possible.

4 Q But it was bare minimum, at least that first shift, the 154?

5 A Oh, yes. Yeah.

6 Q And then when they got to the armory, again, as [REDACTED] asked about this, the
7 remissioning concept, what does that mean -- did that mean anything to you as it's been
8 told to us by DOD officials that they were initially missioned for traffic control and had to
9 be remissioned?

10 A So you know how to do this, but you went out to do that, and now you're
11 going to do this. You know how to do civil disturbance. You did it the entire summer.
12 You're going to go out and do traffic control. And now we're going to ask you -- so in
13 July -- July 4th, as well as August, we were doing traffic control, and -- and we were doing
14 the Metro stations for July 4th, big crowds; August, for the reenactment, huge crowds,
15 and prepared for the quick reaction force that we had at U.S. Capitol -- that was staged at
16 U.S. Capitol Police headquarters. Had the buses all lined up. It was peaceful. They
17 never got on the buses.

18 Q But my question is, practically speaking, what does the remission mean?
19 Do you stand in front of the 154 folks and say, Okay, shift. Now you're responding for a
20 civil disturbance, or is there something magical that happens more than that?

21 A So -- so as a police officer, I may pull you over, give you a ticket. I know
22 how to do that. And then -- and then I may go in and do a raid. I know how to do that.

23 I mean, these are skills that just we're asking you to -- I mean, it would be like you
24 being a defense attorney and then the next day being a -- the JAGs in the military, they do
25 both. They defend and they prosecute.

1 Q Uh-huh.

2 A They do both. So if -- these are multi -- these are talented people. This is
3 the treasure of America. They know how to do more than one thing.

4 Q I understand. I think that when -- as, again, as a civilian, when I heard --

5 A Yeah.

6 Q When I hear the word "remissioning," it sounds like it's something --

7 A Well, what did they mean by it? What did they --

8 Q I'm asking you what it means. I don't know what they mean by it.

9 A Yeah.

10 Q I'm asking you what it means. If it's something as simple as, okay, now
11 you're civil disturbance versus traffic --

12 A Yeah. Now you're civil disturbance versus traffic, just what you did in the
13 summer.

14 Q I -- okay.

15 A Yeah. That's what you're getting ready to go do now.

16 Q And who did they -- before they left and got off those buses at the Capitol,
17 did they -- did each of those guardsmen know who they were responding to, or was there
18 a sense of what location?

19 A Each bus, they had a leader, and that leader went up to -- so Colonel [REDACTED]
20 would go and see the lieutenant from the police department, Hey, we're here. I've got
21 this busload. What do you want me to do?

22 He takes direction, and then you give the direction.

23 Q And was that preassigned as far as the location and who they would be
24 responding to?

25 A Yes. So Colonel [REDACTED] from the District of Columbia National Guard was

1 on the ground at Capitol Police headquarters. So when they got there, he was the one
2 that was at -- he was prepared to receive the D.C. National Guard and put them into play.

3 Q And was Mayor -- was Secretary McCarthy involved at that Capitol Police
4 location?

5 A No. He didn't come to the Capitol until much later that night.

6 Q Do you know, during that 3-hour timeframe, was he with Mayor Bowser and
7 Chief Contee?

8 A I later learned that. I didn't know where he was, but I later learned that he
9 was -- he was at MP -- he was at Metropolitan Police headquarters.

10 Q So, during that time, was there any communication between you and
11 Secretary McCarthy?

12 A None. Not until much later that night.

13 Q And did you ask Secretary McCarthy, Where have you been? I understand
14 chain of command, but if you're with him the entire time during the summer, it seems
15 like there was a communication flow.

16 A Yeah.

17 Q Doesn't sound like you had any -- correct me if I'm wrong -- any negative --

18 A When I --

19 Q -- experience with him then.

20 A His -- one of his staff members said -- called me and said, General Walker,
21 where are you?

22 I said, I'm at the Capitol. Where are you? Where's the Secretary?

23 We're at police headquarters.

24 I said, I'm at police headquarters.

25 No. We're at Metropolitan Police headquarters. Can you come over here?

1 I said, We're at the Capitol.

2 He said, Yeah, but we're at MPD.

3 So me, Colonel [REDACTED], Command Sergeant Major [REDACTED], Lieutenant [REDACTED] we
4 drive over to police headquarters -- Metropolitan Police headquarters.

5 I speak to the Mayor. I speak to Chief Contee. And I'm just wondering, well,
6 what's going on here?

7 Q Sorry. What's the timeframe of that?

8 A This is probably 1930. This was after -- way after 7:00.

9 Q I see.

10 A Yeah. And then I asked the Secretary. I said, Sir, Mr. Secretary, I think
11 you should come over to the Capitol. That's where it's going on, and I think it would be
12 good if you spoke to Chief Sund.

13 So he says, Yeah, you think I should come over?

14 I said, Yes, sir.

15 So then he comes over, and then he doesn't stay, and then he leaves.

16 Q That's at the 7 o'clock timeframe, though?

17 A That's after 7. That's way after 7.

18 Q I just wanted to go back when you said that -- when you responded to civil
19 unrest in the August, July timeframe, you said you took direction from Park Police or
20 MPD.

21 Who did they take direction from on January 6th, the D.C. National Guard?

22 A Capitol Police and -- and MPD. Both.

23 Q Did you have, any time, any discussions with Secretary McCarthy or anyone
24 in DOD leadership about a lead Federal agency for January 6th?

25 A They kept asking me who was the lead Federal agency? And I -- to me, it

1 was the Capitol Police. And they wanted somebody from the executive branch. Like,
2 they were throwing out FBI, DHS. And my position was the Capitol Police is who we
3 needed to be responding to.

4 Q And was that before January 6th, or --

5 A No. That -- this was the day of.

6 Q The day of.

7 A They wanted a lead Federal agency.

8 Q Was there any discussion before January 6th about the lead Federal agency
9 as part of the mission analysis that was being conducted?

10 A No. Only -- only that if we used a quick reaction force, it would have to
11 come from a lead Federal agency, the request.

12 Q I see.

13 A And I think that's in -- that's in -- that's in his letter to me.

14 Q I just wanted to ask one thing about this equipment thing, which, again, is a
15 point of confusion. As you know, HSGA conducted an investigation. You testified at a
16 hearing on the Senate side. And I know you state that they had all the gear there
17 were -- in their vehicles. From your own testimony, you said they were equipped with
18 force protection, helmets, shin guards, and body protection.

19 A Yes.

20 Q Did they have shields and batons?

21 A I'm almost certain they did.

22 Q And I ask simply because that's what something -- according to
23 Secretary McCarthy, they believed that's what they needed to be further outfitted with at
24 the armory.

25 A I mean, if they didn't, they had it well before -- if they didn't have it out there

1 on the -- in the cars -- what I wanted was the helmet, the body protection. We -- it
2 takes -- doesn't take -- way before we got permission --

3 Q I see.

4 A -- everybody on those buses had it.

5 Q Okay.

6 A Should have made this 2 days.

7 Q Sorry. Just I wanted to give you the opportunity to respond. Obviously
8 there is the IG report that came out. There's the differing timeline between DOD and
9 D.C. National Guard.

10 I know you say you got the call from General McConville at 5:08, and there is this
11 4:32 call or order. I don't know how it's phrased on the timeline, from
12 Secretary McCarthy to you.

13 And just to give you an opportunity, obviously you say that did not -- you did not
14 receive that 4:32 call.

15 A No.

16 Q Is it possible that someone within your D.C. National Guard, in the office,
17 received it? Is there any possibility to explain -- how do you explain the 4:32 call?

18 A How did I explain the --

19 Q The 4 -- the discrepancy.

20 A Especially since I was already -- I stayed on the VTC. I was in -- I was in with
21 everybody else. So if I'd got a call, you know, General Piatt, General -- they would have
22 saw me get -- I would have said, Hey, there's the Secretary right now. Hold on. I can't
23 talk. This is the Secretary. I would have said that.

24 Q So you're saying, at 4:32, you were on the VTC?

25 A We never left the VTC.

1 Q I see.

2 A Yeah, that line never shut down.

3 Q I see.

4 A Yeah. So Chief Contee got off the call. The Deputy Mayor got off the call.
5 Dr. Rodriguez got off the call. But the line, at 1708, we didn't redial anybody. So that
6 was in my office -- not that big, but a big VTC. We were -- we were on it. And
7 eventually, I believe General McConville came back into the call and said, Hey, you're a
8 go.

9 [REDACTED] So that whole 3-plus hours, the VTC is up?

10 General Walker. It's up. It gets up around -- a little after 2:00 was when the
11 VTC gets up.

12

BY [REDACTED]

13 Q Do you know who hosted or originated the VTC? What agency?

14 A Headquarters, Department of the Army.

15 Q Okay. And do you know if it was recorded?

16 A I wish it was. I doubt it.

17 Q But it was Army headquarters that originated it?

18 A Yes.

19 Q Okay.

20 A Because if it was recorded, memories would be better.

21 Q Yeah. Exactly. Read my mind.

22 A Looking back --

23 Q Yeah.

24 A -- people that didn't remember appearing on it. And what I don't know is if
25 HSEMA -- I don't know if that was recorded or not.

1 Q Yeah.

2 A I don't know.

3 Q Yeah.

4 BY [REDACTED]

5 Q Just back to the 2:30 call -- this is my last question.

6 A Sure.

7 Q I appreciate your indulgence. Did you take that -- I know you said
8 Chief Contee said -- or took it as a denial. Did you take that as a denial by DOD to
9 support the request?

10 A We would have been out there. It was absolutely -- you know, so we --

11 Q No. Let me clarify my question. Did you say -- think of it as not right now,
12 we're evaluating, or, no, you're not getting this?

13 A I took it as not right now.

14 Q Okay.

15 BY [REDACTED]

16 Q It wasn't outright denial, in your mind?

17 A I -- no. I mean, it was just -- how could it be with everything that was going
18 on.

19 Q Right.

20 A I just -- we all thought, it's in a minute, we're going to be told to go, in a
21 minute. Then 5 minutes, then 10 minutes, then 15 minutes. We kept thinking, any
22 minute now, somebody is going to say go.

23 [REDACTED] I see.

24 General Walker. And then an hour went by, then more time went by.

25 [REDACTED] Right.

1 General Walker. But we never thought it would take that long.

2 [REDACTED] The only other thing I wanted to ask, if you're finished.

3 [REDACTED] Yes, sir.

4 [REDACTED] Yeah.

5 [REDACTED] It's something that we ask every witness, and that is that the select
6 committee is tasked not just with looking backward at what happened, but looking
7 forward and potentially proposing some recommendations and process changes, changes
8 in law, whatever it is.

9 And I'm just wondering, General Walker, someone with your experience, do you
10 have any thoughts about things that should change to make this --

11 General Walker. I have quite a few.

12 [REDACTED] Okay.

13 General Walker. So, first of all, the District of Columbia National Guard needs to
14 grow and have a dedicated union -- a dedicated unit -- unit, probably a small battalion or
15 maybe three companies that is dedicated to protecting the Capitol and maybe other
16 venues in the District of Columbia for civil unrest, civil disturbance.

17 If you look at what the FBI reports are saying, we are going to have more civil
18 unrest in the coming years, we're going to have -- I mean, could even have a full out civil
19 war.

20 [REDACTED] Yeah.

21 General Walker. So what does that mean? You know, can -- it's not just the
22 Capitol. The Supreme Court. There are other -- the monuments. What do the
23 monuments mean to us as a Nation? They're symbols. You attack these symbols,
24 what are you saying?

25 [REDACTED] Uh-huh.

1 General Walker. So I think there should be a robust National Guard. And
2 Congress, through the Sergeant at Arms or the -- actually, the chief of police to be able to
3 say, I need the District of Columbia National Guard.

4 [REDACTED] Okay. So the authority to deploy that specialized unit or the
5 Guard writ large --

6 General Walker. Yeah.

7 [REDACTED] -- in your view, should not be any longer the SecDef or the
8 Secretary of the Army, but should be others?

9 General Walker. Well, ultimately I still think it should be the SecDef and the Sec
10 Army.

11 [REDACTED] Okay.

12 General Walker. But under exigent circumstances -- I think lawyers call it in
13 extremist or extremist or --

14 [REDACTED] Uh-huh.

15 General Walker. Under --

16 [REDACTED] One of those lawyer terms.

17 General Walker. The lawyer term, they should be able to, 24 hours, 48 hours,
18 that the chief -- the sergeants at arms or the chief of the Capitol Police should be able to
19 say, I need the National Guard. And within 24 to 48 hours, the SecDef or the Sec Army
20 should say --

21 [REDACTED] I see.

22 General Walker. -- hey, you know what? This -- the Army shouldn't be -- the
23 D.C. National Guard shouldn't be out there.

24 [REDACTED] So there would be a post-hoc approval requirement, but the --

25 General Walker. Yeah.

1 [REDACTED] -- Capitol Police or the Sergeant at Arms could deploy, absent --

2 General Walker. Could call.

3 [REDACTED] Could call.

4 General Walker. And that commanding general should be able to execute.

5 [REDACTED] I see.

6 General Walker. Should be able to send this battalion --

7 [REDACTED] Yeah.

8 General Walker. -- designated to support the Capitol.

9 [REDACTED] The commanding general of the D.C. National Guard?

10 General Walker. Should be empowered --

11 [REDACTED] Okay.

12 General Walker. -- to get to the Capitol --

13 [REDACTED] Uh-huh.

14 General Walker. -- it's right down the street -- and help maintain order.

15 [REDACTED] Understood.

16 General Walker. Yeah. And that the National Guard should have a dedicated
17 unit that does just that.

18 [REDACTED] Yeah.

19 General Walker. Now, what would they be doing if they didn't do this? They
20 could be supporting -- have you been to Fort -- you've been to Andrews Air Force Base?

21 [REDACTED] Uh-huh.

22 General Walker. Look at all the gates that are closed. So they could do law and
23 order right there. They could be manning those gates that are shut down now.

24 And then when they're needed, close those gates, get in those emergency
25 vehicles, and get to the Capitol. But they would be gainfully employed. They could be

1 training. They could be at Fort Belvoir, Fort Myer, augmenting the MPs.

2 So it should be a military police unit, and maybe even a civil affairs unit that
3 would -- and then a medical unit. So self-contained unit that could get to the Capitol.
4 And then they would train, rehearse, work with the Capitol Police, work with the Park
5 Police, work with the Metropolitan Police Department, and just be at a high state of
6 readiness, and then go augment the military installations in the NCR, and then have duty
7 units that would be on stand-by for any eventuality in the Nation's Capital.

8 [REDACTED] Yeah. And that would be distinct from the other units of the D.C.
9 National Guard?

10 General Walker. Right. This would be --

11 [REDACTED] A special --

12 General Walker. -- a nondeployable unit.

13 [REDACTED] Right. I see.

14 General Walker. So they would -- in my mind, this would be a unit that you
15 would rotate off and on that unit. So, you know, you wouldn't spend your whole career
16 there. Then you would go back into the institutional D.C. National Guard, and if you
17 want -- you know, we're going to go to war with somebody probably, and then you -- you
18 know, if there's another war, you would be able to have that experience.

19 But you should be -- we should have a unit dedicated to the Capitol.

20 [REDACTED] Uh-huh.

21 General Walker. And these soldiers and airmen would know the Capitol. They
22 would know the Rayburn Building. They would know all the different buildings, and the
23 police would know them, so they would rehearse and practice together.

24 That's one thing I would recommend.

25 [REDACTED] No. I appreciate that. What else?

1 General Walker. So we've got the authorities. We've got the strength. We
2 have -- I'll think about it.

3 [REDACTED] Yeah. I was just going to say --

4 General Walker. I'll think about it.

5 [REDACTED] -- this is an ongoing discussion. We know where to find you. If
6 you have other thoughts --

7 General Walker. I will.

8 [REDACTED] -- the select committee --

9 General Walker. Yeah.

10 [REDACTED] -- would very much appreciate, again, someone with your
11 experience helping inform some of these prospective recommendations.

12 General Walker. And I think the Capitol Police should go out to the armory and
13 practice with the --

14 [REDACTED] Uh-huh.

15 [REDACTED] Uh-huh.

16 General Walker. -- with the guardsmen out there as well.

17 [REDACTED] Right.

18 General Walker. Yeah. There's a whole host of things that I -- I'll come up with
19 some stuff.

20 [REDACTED] Okay. Thank you.

21 General Walker. Yeah.

22 [REDACTED] Appreciate that.

23 [REDACTED] Well, General Walker, I want to --

24 General Walker. We should have broke this up into 2 days.

25 [REDACTED] Well, I was going to say I want to thank you for your time and your

1 indulgence, sir.

2 General Walker. I apologize for the --

3 [REDACTED] No, please.

4 General Walker. -- for the misfire with the dates.

5 [REDACTED] No. It's fine. I appreciate your time and you joining us today.

6 And thank you for your service as well. So thank you very much.

7 General Walker. You're welcome. All right.

8 [REDACTED] Thank you, sir.

9 [Whereupon, at 5:46 p.m., the interview was concluded.]

10

11 Certificate of Deponent/Interviewee

12

13

14 I have read the foregoing ____ pages, which contain the correct transcript of the
15 answers made by me to the questions therein recorded.

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Witness Name

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Date

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